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OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

SUPPLEMENT No. 2

Goa Legislature Secretariat

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The following bill which was introduced in the Legislative Assembly of the State of Goa on 1st August, 2024 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Investment Promotion and
Facilitation of Single Window
Clearance (Amendment) Bill, 2024
(Bill No. 28 of 2024)

A
BILL

*to amend the Goa Investment Promotion
and Facilitation of Single Window
Clearance Act, 2021 (Goa Act 19 of
2021).*

BE it enacted by the Legislative
Assembly of Goa in the Seventy-fifth Year
of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Investment Promotion and Facilitation of Single Window Clearance (Amendment) Act, 2024.

(2) It shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa Investment Promotion and Facilitation of Single Window Clearance Act, 2021 (Goa Act 19 of 2021) (hereinafter referred to as the “principal Act”),—

(i) for clause (I), the following clause shall be substituted, namely:—

“(I) “in principle approval” means a general approval to an investment proposal by the Board, for facilitation purposes only, which shall be subject to clearances from the concerned Competent Authorities under the relevant State laws or the Planning, Development and Construction Committee, as the case may be;”;

(ii) after clause (w), the following clause shall be inserted, namely:—

“(x) “Special Project” means project approved by the Goa Investment Promotion and Facilitation Board with the plot area requirement exceeding 3000 sq. mts.”.

3. *Amendment of section 4.*— In section 4 of the principal Act, for clause (xii), the following clause shall be substituted, namely:—

“(xii) The Presidents/Chairpersons of,— (a) Goa Chamber of Commerce and Industry (GCCCI), (b) the Goa State Industries Association (GSIA), (c) Confederation of Indian Industry, Goa State Council (CII), (d) Travel and Tourism Association of Goa (TTAG) and (e) Goa Technology Association (GTA)— Five Members;”.

4. *Amendment of section 5.*— In section 5 of the principal Act,—

(i) in sub-section (1), the expression “, which meet the criteria of investment value not less than rupees five crore, excluding cost of land” shall be omitted;

(ii) sub-section (2) shall be omitted.

5. *Amendment of section 13.*— In section 13 of the principal Act, in clause (iv),—

(i) in sub-clause (a), the expression “with respect to the criteria specified in sub-section (1) of section 5 as also with reference to the proposal referred by it under sub-section (2) of section 5 to the Sub-Committee constituted under section 17” shall be omitted;

(ii) in sub-clause (b), the words “such other” shall be omitted;

(iii) for sub-clause (g), the following sub-clause shall be substituted, namely:—

“(g) forward the application of the investor, with respect to an area declared as an Investment Promotion Area, to the Planning, Development and Construction Committee for decision and disposal in terms of section 43;”.

6. *Amendment of section 14.*— In section 14 of the principal Act,—

(i) in sub-section (2), in the Explanation, the expression “, grant, approve” shall be omitted;

(ii) in sub-section (3), for the words “shall be construed”, the words “may be construed” shall be substituted;

(iii) in sub-section (5), for clause (f), the following clause shall be substituted, namely:—

“(f) review and monitor the functioning of the Committees appointed to assist the Board;”.

7. *Insertion of new sections 14A and 14B.*— After section 14 of the principal Act, the following new sections shall be inserted, namely:—

“14A. *Powers of Board to issue directions to local authorities.*— Notwithstanding anything contained in any other State law in force, or in any licence or permit, if the Board is satisfied that the setting up of a project by the Investor outside an Investment Promotion Area is impeded by a local authority’s refusal or delay to grant or insistence on conditions which the Board considers unreasonable for the grant of, any amenity, the Board may direct the local authority to grant the said amenity on such conditions as it may consider fit; and thereupon the amenity shall be granted.

Explanation:— For the purpose of this section the term ‘amenity’ shall include roads, supply of water or electricity, street lighting, drainage, sewerage, conservancy and such other convenience as the Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this section.”.

14B. *Powers of Board to issue directions to the Goa Industrial Development Corporation.*— (1) Notwithstanding anything contained in any other State law for the time being in force, the Board may direct the Goa Industrial Development Corporation to allot land/plots to an Applicant out of the quota allotted to special projects as provided for in the Goa Industrial Development Corporation

(Allotment, Transfer and Sub-Lease) Regulations, 2023 and if the setting up of a project by the Investor outside an Investment Promotion Area is impeded by the Goa Industrial Development Corporation's failure to formally allot a plot to the investor within a period of 30 days from the receipt of a direction to this effect from the Board, the Board shall have the power to call for, reasons of delay and may during its meetings call for necessary information and personal appearance of the concerned person or officer. The Board after conducting necessary enquiry may recommend to the Government to take appropriate disciplinary action against the concerned person or officer who has failed to allot the land within a period of 30 days from the receipt of a direction to this effect, if it is of the opinion that there was a wilful default or wanton negligence in delaying the allotment process.”.

8. *Omission of chapters IV and V.*— Chapters IV and V of the principal Act shall be omitted.

9. *Amendment of section 37.*— In section 37 of the principal Act,—

(i) in sub-section (2), for the words “such other officers and servants”, the expression “such other officers, staff, etc.” shall be substituted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The salaries, perks, allowances and all other terms and conditions of service of the officers and staff appointed under sub-sections (1) and (2) shall be as determined by regulations made by the Board under this Act.”;

(iii) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) The Board may appoint officers on contract, daily wages, temporary, adhoc, officiating or on deputation and by transfer from any Government Department.

(5) An officer on contract basis, daily wages, temporary basis, adhoc basis, officiating basis, may be terminated without any notice by the Board, and an officer on deputation or transfer from any Government Department may be transferred back to the original Department without any notice by the Board.”.

10. *Amendment of section 38.*— In section 38 of the principal Act,—

(i) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The Board may refer any of the application to the Committee appointed under sub-clause (b) of clause (iv) of section 13 to assist the Board.”;

(ii) in sub-section (5), the expression “or the Sub-Committee, as the case may be,” shall be omitted;

(iii) for sub-section (6), the following sub-section shall be substituted, namely:—

“(6) The Board, or the Committee constituted to assist the Board, its members or any of its authorised officials may inspect the area prior to grant of in-principle approval.”.

(iv) in sub-section (7), the words “or Sub-Committee” shall be omitted;

(v) in sub-section (8), the words “or the Sub-Committee” shall be omitted.

11. *Amendment of section 39.*— In section 39 of the principal Act, the expressions “or the Sub-Committee,”, and “or the Sub-Committee, as the case may be,”, wherever they occur, shall be omitted.

12. *Substitution of section 40.*— For section 40 of the principal Act, the following section shall be substituted, namely:—

“40. *Combined Application Form.*— The Board may specify application form as deemed fit by it notwithstanding a different application form otherwise prescribed under the relevant State laws and every Competent Authority or person or officer

shall accept such application form for processing and issuing required clearance.”.

13. *Amendment of section 42.*— In section 42 of the principal Act,—

(i) in sub-section (1),—

(a) for clause (b), the following clause shall be substituted, namely:—

“(b) appoint the Planning, Development and Construction Committee or any other Committee or Officer thereof for the purpose of the assessment and recovery of any taxes when imposed as per the rates notified by the Government to that effect;”;

(b) for clause (c), the following clause shall be substituted, namely:—

“(c) declare that the provisions of any State law, subject to section 45 of this Act, or any law relating to planning and development, or change of land use or conversion or providing for control or erection of buildings or levy and collection of fees, taxes and other dues to the local authority which is in force in such Investment Promotion Area shall cease to apply and thereupon such provisions shall cease to apply thereof:

Provided that the Municipal Corporation, Municipalities and the Village Panchayats which were receiving house tax, other taxes or fees from the occupants in such Investment Promotion Area under their respective laws, shall be compensated by the Government to the extent of the last financial year’s collection of such house tax, other taxes or fees for such period as may be determined by the Government which shall not be less than five years;”;

(ii) in sub-section (2), for the words “one month”, the words “fifteen days” shall be substituted.

14. *Substitution of section 43.*— For section 43 of the principal Act, the following section shall be substituted, namely:—

“43. *Constitution and Powers of the Planning, Development and Construction Committee.*— (1) The Government may, by notification in the Official Gazette, constitute a Committee by the name, Planning, Development and Construction Committee consisting of,—

(i) Chief Secretary— Chairperson, ex-officio;

(ii) Secretary (Industries)— ex-officio Member;

(iii) Director, Directorate of Industries, Trade and Commerce— ex-officio Member;

(iv) Chief Town Planner (Planning) or his nominee not below the rank of the Deputy Town Planner— ex-officio Member;

(v) Director, Directorate of Health Services or his nominee not below the rank of the Deputy Director— ex-officio Member;

(vi) Director of Fire and Emergency Services or his nominee not below the rank of Deputy Director— ex-officio Member;

(vii) Chief Inspector of Factories and Boilers or his nominee not below the rank of the Inspector— ex-officio Member;

(viii) Chief Electrical Engineer, Electricity Department or his nominee not below the rank of the Superintending Engineer— ex-officio Member;

(ix) Principal Chief Engineer, Public Works Department or his nominee not below the rank of the Superintending Engineer— ex-officio Member;

(x) Principal Chief Conservator of Forests— ex-officio Member;

(xi) Member Secretary, Goa State Pollution Control Board— ex-officio Member;

(xii) Member Secretary, Goa Coastal Zone Management Authority — ex-officio Member;

(xiii) District Collector, North Goa—ex-officio Member;

(xiv) District Collector, South Goa—ex-officio Member;

(xv) Chief Executive Officer of the Board— Member Secretary.

(2) Notwithstanding anything to the contrary contained in any other State law for the time being in force, the Planning, Development and Construction Committee shall have the power to decide and dispose of all applications under the Goa Land Revenue Code, 1968 (Act 9 of 1969), the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), or the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act 6 of 2008) and the rules and regulations framed thereunder (hereinafter referred to as the “said Acts”) with respect to any area declared to be an Investment Promotion Area under section 42.

(3) The Planning, Development and Construction Committee with respect to any area declared to be an Investment Promotion Area under section 42, shall discharge all the functions which would ordinarily be discharged by the competent authorities appointed under the relevant State laws, including but not limited to the functions of,—

(i) the Collector under the Goa Land Revenue Code, 1968 (Act 9 of 1969);

(ii) the Chief Town Planner of the Town and Country Planning Department, in a non-planning area and of the Planning and Development Authority in a planning area, under the Goa Town and Country Planning Act, 1974 (Act 21 of 1975);

(iii) the Competent Authority under the Goa Land Development and Building Construction Regulations, 2010;

(iv) Village Panchayat under the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(v) the Chief Officer under the Goa Municipalities Act, 1968 (Act No. 16 of 1968); and

(vi) the Commissioner under the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003).

(4) The Planning, Development and Construction Committee shall issue the formal order/permission upon deciding on an application under sub-section (2).

(5) The Planning, Development and Construction Committee shall consider the application under sub-section (2) in accordance with the rules notified by the Government of Goa, from time to time. The said rules shall, in addition to other details, include, the permissible FAR, FSI, setbacks to be maintained, criteria for grant of conversion sanad, Technical Clearance, etc.

(6) The Government shall, by Notification, specify the fee to be imposed by the Planning, Development and Construction Committee for grant of license/permission to the Applicant.”.

15. *Insertion of new section 43A.*— After section 43 of the principal Act, the following section shall be inserted, namely:—

“43A. *Meetings of the Planning, Development and Construction Committee.*— (1) The Planning, Development and Construction Committee shall meet at such time and at such place as it may determine and shall subject to the provisions of sub-section (2) observe such rules of procedure for transaction of its business as may be determined by the Government from time to time.

(2) A member who is directly or indirectly concerned or interested in any proposal or project proposed to be developed on an Investment Promotion Area, shall, at the earliest possible opportunity, disclose the nature of his interest to the Planning, Development and Construction Committee when any application pertaining to such proposal or project is discussed.

(3) The Chairperson of the Planning, Development and Construction Committee shall preside at all meetings of the Planning, Development and Construction Committee and in the absence of the Chairperson, the members present shall choose amongst themselves one of the member present to preside over the meeting.

(4) The quorum for meeting of the Planning, Development and Construction Committee shall be eight members.

(5) The Planning, Development and Construction Committee may invite a person or expert who is not a member of the Board, as special invitee or co-opt any person as an advisor for any meeting of the Planning, Development and Construction Committee, except that a person so co-opted shall have no right to vote on any matter before the Planning, Development and Construction Committee for a decision.”.

16. *Amendment of section 45.*— In section 45 of the principal Act, the words “or sub-committee” shall be omitted.

17. *Substitution of section 46.*— For section 46 of the principal Act, the following section shall be substituted, namely:—

“46. *Review of cases by the Board.*— Notwithstanding anything contained in any State law for the time being in force, the Board may, either *suo moto* or on a reference from any person, officer or Competent Authority or an investor, examine any order/direction passed by any person, officer, Competent Authority or the Planning, Development and Construction Committee and pass appropriate orders as it deems fit and such orders shall be final and binding on the Planning, Development and Construction Committee, such person, officer, the Competent Authority or an investor, as the case may be.”.

18. *Amendment of section 49.*— In section 49 of the principal Act, the expression “or the Sub-Committee, as the case may be,” shall be omitted.

19. *Insertion of new section 49A.*— After section 49 of the principal Act, the following section shall be inserted, namely:—

“49A. *Action for contravention of approvals and clearances.*— In the event any investor or any person acting on behalf of the Investor attempts to alienate the area declared as an Investment Promotion Area, or any part thereof, or attempts to alienate a stake in the project, or raises a project different from the project that was approved by the Board or constructs or uses the Investment Promotion Area or the land upon which the project is proposed to be set up, in contravention of the order/permission/clearance granted by the Board, Planning, Development and Construction Committee or by the Statutory Authorities, as the case may be, the Board shall initiate suitable action after giving Investor a reasonable opportunity of being heard in the matter.”.

20. *Amendment of section 51.*— In section 51 of the principal Act, the expressions “or the Sub-Committee”, “or the Sub-Committee, as the case may be” and “and the Sub-Committee”, wherever they occur, shall be omitted.

21. *Amendment of section 53.*— In section 53 of the principal Act, in sub-section (2), clause (b) shall be omitted.

22. *Amendment of section 54.*— In section 54 of the principal Act, the words “or the Sub-Committee”, wherever it occurs, shall be omitted.

23. *Amendment of section 55.*— In section 55 of the principal Act, the words “and Sub-Committee” and “or the Sub-Committee” shall be omitted.

24. *Amendment of section 56.*— In section 56 of the principal Act, the words “or the Sub-Committee” shall be omitted.

25. *Amendment of section 58.*— In section 58 of the principal Act, in sub-section (1), the words “or the Sub-Committee” shall be omitted.

Statement of Objects and Reasons

The Bill seeks to amend the Goa Investment Promotion and Facilitation of Single Window Clearance Act, 2021 (Goa Act 19 of 2021) so as to strengthen the powers of the Goa Investment Promotion and Facilitation Board and to facilitate ease of doing business in the State of Goa.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum regarding delegated legislation

Clause 7 of the Bill empowers the Government to issue notification for specifying a convenience to be an amenity.

Clause 14 of the Bill seeks to empower the Government to issue notification for constituting Planning, Development and Construction Committee and also for specifying the fees to be imposed by the said Committee for grant of licence/permission to the applicant.

The clause 9 (ii) of the Bill empowers the board to frame regulations in respect to salaries, perks, allowances and all other terms and conditions of service of the officers and staff appointed under sub-sections (1) and (2) of section 37.

Proposed sub-section (5) of section 43 of Bill empowers the Government to frame rules specifying the procedure to be followed by the Planning, Development and Construction Committee for grant of license/permission to the applicant.

These delegations are of normal character.

Porvorim, Goa, (SHRI MAUVIN GODINHO)
1st August, 2024. Minister for Industry

Assembly Hall, (NAMRATA ULMAN)
Porvorim, Goa, Secretary to the Legislative
1st August, 2024. Assembly.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of Constitution of India I, P. S. Sreedharan Pillai, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Investment Promotion and Facilitation of Single Window Clearance (Amendment) Bill, 2024 by the Legislative Assembly of Goa.

Place: Raj Bhavan (P. S. SREEDHARAN PILLAI)
Dona Paula, Goa Governor of Goa.
26th July, 2024.

ANNEXURE

Extract of the Sections 2(1), 4(xii), 5(1), 5(2), 13(iv)(a), 13(iv)(b), 13(iv)(g), 14(2), 14(3), 14(5)(f), 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 37(2), 37(3), 38(4), 38(5), 38(6), 38(7), 38(8), 39(2), 39(3), 39(4), 40, 42(1)(b), 42(1)(c), 42(2), 43, 45, 46, 49, 51, 53(2)(b), 54, 55, 56 and 58 of "The Goa Investment Promotion and Facilitation of Single Window Clearance Act, 2021", proposed for amendments.

CHAPTER I

Preliminary

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(1) "in principle approval" means a general approval to an investment proposal by the Board for facilitation purposes only which shall be subject to clearances from the concerned Competent Authorities under the relevant State laws;

CHAPTER II

Establishment and Constitution of the Board

4. *Constitution.*— The Board shall consist of,—

(xii) Five members to be nominated amongst which each by the Goa Chamber of Commerce and Industry (GCCCI), the Goa State Industries Association (GSIA), Confederation of Indian Industry (CII) Goa, Travel and Tourism Association of Goa (TTAG) and Goa Technology Association (GTA) - Members;

5. *Jurisdiction of the Board.*— (1) The Board shall be a single point contact authority for all

investments made in the State except the investments which have been prohibited by the Government through a notification, which meet the criteria of investment value not less than rupees five crore, excluding cost of land.

(2) Projects which have investment value less than rupees five crore may be entertained by the Board and the Board may refer such proposal to the Sub-Committee constituted under section 17.

CHAPTER III

Functions and Powers of the Board

13. *Functions of the Board.*— The functions of the Board shall be,—

(iv) in particular and without prejudice to the generality of the foregoing functions, to perform all or any of the following functions, namely:—

(a) approve, reject, review, cancel or revoke any investment proposal with respect to the criteria specified in sub-section (1) of section 5 as also with reference to the proposal referred by it under sub-section (2) of section 5 to the Sub-Committee constituted under section 17;

(b) appoint such other committees to assist the Board in the performance of its functions;

(g) pursuant to grant of in principle approval, examine and review any decision taken by any Competent Authority under the relevant State law;

14. *General Powers of the Board.*—

(2) Notwithstanding anything contained in any other State law but subject to the provisions of this Act, the Board, with the previous sanction of the Government may, in exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any Competent Authority under the relevant State law and such person, officer or Competent Authority shall be bound to comply with such directions.

Explanation: The power to issue directions under this sub-section shall be limited to a person, officer or Competent Authority in the State and it shall include power to direct to consider, grant, approve a particular project with such conditions as the Board may deem fit and proper in the nature and circumstances of the case.

(3) Notwithstanding anything contained in any other State law, the Board shall, in case any person,

officer or Competent Authority under the State law fails to process and dispose of application within the time limit specified under sub-section (1) of section 39, have the power to consider and dispose of such application under any such State law and for this purpose, reference to the person, officer or Competent Authority in such State law shall be construed as reference to the Board:

Provided that where the Board is unable to meet or otherwise unable to consider the application immediately, the Chairperson of the Board may, for reasons to be recorded in writing, decide the application and report the action taken to the Board in its next meeting and the decision of the Chairperson, on such application shall for all purposes deemed to be the decision of the Board under this sub-section.

(5) The Board shall have power to,—

(f) review and monitor the disposal of applications by the Sub-Committee;

CHAPTER IV

Establishment and Constitution of the Sub-Committee

17. *Constitution of the Sub-Committee.*— The Government may, by notification in the Official Gazette, constitute a Sub-Committee consisting of,—

(i) Minister for Industries— Chairperson.

(ii) Secretary (Industries) or his nominee— member.

(iii) Secretary (Environment) or his nominee— member.

(iv) Secretary (Town and Country Planning) or his nominee— member.

(v) All the members of the Board nominated under clause (xii) of section 4— members.

(vi) Chief Executive Officer of the Board— Member Secretary.

18. *Jurisdiction of the Sub-Committee.*— The Sub-Committee shall have the power to decide the proposals referred to it by the Board under sub-section (2) of section 5.

19. *Disqualification of Members of the Sub-Committee.*— A person shall be disqualified for being nominated as a member of the Sub-Committee, if he,—

(a) is an employee of the Board, not being the Chief Executive Officer; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is an undischarged insolvent; or

(d) is convicted of an offence involving moral turpitude within a period of five years immediately before he being nominated/appointed as the Chairperson or the Member of the Sub-Committee.

20. Term of office and conditions of service of the members of the Sub-Committee.— The Chairperson or a member shall hold office of the Sub-Committee as long as he is a Vice-Chairperson or member of the Board, as the case may be, or till the appointment is terminated by the Board.

21. Meetings of the Sub-Committee.— (1) The Sub-Committee shall meet at such time and at such place as it may determine and shall subject to the provisions of sub-section (2) observe such rules or procedure for transaction of its business as may be provided by regulations made under this Act. However, the Sub-Committee shall meet at least once a month.

(2) A member who is directly or indirectly concerned or interested in any proposal, arrangement, subsidy etc., shall, at the earliest possible opportunity, disclose the nature of his interest to the Sub-Committee when any such proposal is discussed.

(3) The Chairperson of the Sub-Committee shall preside at all meetings of the Sub-Committee and in the absence of the Chairperson, the members present shall choose the presiding officer to preside over the meeting.

(4) The quorum for meeting of the Sub-Committee shall be six members.

(5) The Sub-Committee may invite a person or expert who is not a member of the Board, as special invitee or co-opt any person as an advisor for any meeting of the Sub-Committee, except that a person so co-opted shall have no right to vote on any matter before the Sub-Committee for a decision.

22. Cessation of Member of the Sub-Committee.—

(1) If a member,—

(a) becomes subject to any of the disqualifications mentioned in section 19, or

(b) tenders his resignation in writing to, and such resignation is accepted by, the Government; or

(c) is absent, without the Sub-Committee's permission, for three consecutive meetings of the Sub-Committee; or

(d) is convicted of an offence involving moral turpitude,

he shall cease to be a member of the Sub-Committee.

(2) The Board may, by an order, suspend or remove any member from his office on the ground of proved misbehaviour, incapacity or misuse of position:

Provided that a member shall not be suspended or removed unless he has been given a reasonable opportunity of being heard.

23. Vacancies of the Sub-Committee how to be filled.— Any vacancy of a member of the Sub-Committee shall be filled as early as practicable, in the like manner as if the appointment/nomination was being made originally.

24. Temporary absence of members of Sub-Committee.— If the Chairperson or any other member of the Sub-Committee is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence by the Government, or is otherwise unable to attend his duties in the circumstances not involving the cessation of his membership, the Government may appoint/nominate another person to act for him and carry out his duties and functions under this Act. Such person shall vacate office on the date when the member for whom he is acting resumes his duties:

Provided that in case of members specified in clause (v) of section 17, such temporary appointment shall be done only after receipt of nomination from the respective bodies.

25. Proceeding of the sub-committee presumed to be good and valid.— No disqualification of or defect in the appointment/nomination of any person acting as the Chairperson or a member of the Sub-Committee shall vitiate any act or proceedings of the Sub-Committee, if such act or proceeding is otherwise in accordance with the provisions of this Act.

CHAPTER V

Functions and Powers of the Sub-Committee

26. Functions of the Sub-Committee.— The functions of the Sub-Committee shall be,—

(i) to decide on any matters related to the approved projects including but not limited to name change, address change, change in

constitution or shareholding, review, cancellation and revocation of proposals referred to it by the Board, subject to ratification of the decision by the Board;

(ii) to evaluate investment proposals referred to it by the Board;

(iii) in particular and without prejudice to the generality of the provisions of clause (i) to,-

(a) forward the application of the investor within its jurisdiction, to the concerned person, officer or Competent Authority for processing and disposal;

(b) monitor the status of the applications;

(c) *suo moto* examination and review any decision taken by any person, officer or Competent Authority with respect to the proposal within the jurisdiction of the Sub-Committee.

27. *Powers of the Sub-Committee.*— (1) Notwithstanding anything contained in any other State law but subject to the provisions of this Act, the Sub-Committee, with the previous sanction of the Government may, in exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any Competent Authority and such person, officer or Competent Authority shall be bound to comply with such directions.

Explanation: The power to issue direction under this sub-section shall be limited to a person, officer or Competent Authority in the State and it shall include power to direct to consider, grant, approve a particular project with such conditions as the Sub-Committee may deem fit and proper in the nature and circumstances of the case.

(2) The Sub-Committee shall have the power to,-

(a) review and monitor the processing of applications by any person, officer or Competent Authority;

(b) direct any person, officer or Competent Authority for taking decision on applications pending beyond the time limit stipulated in sub-section (1) of section 39.

(3) Notwithstanding anything contained in any State law and subject to the provisions of this Act, the Sub-Committee shall in case any person, officer or the Competent Authority fails to process and dispose of any application within the time limit stipulated under sub-section (1) of section 39, place the respective case before the Board to consider

and dispose of application for permission in terms of sub-section (3) of section 14.

CHAPTER VII

Officers and Employees of the Board

37. *Officers and Employees of the Board.*—

(2) The Board may appoint, such other officers and servants sub-ordinate to the officer mentioned in sub-section (1), as it considers necessary for efficient performance of its duties and functions.

(3) The conditions of appointment and service of the officers and servants of the Board and their scales of pay shall be such as may be determined by regulations made under this Act.

CHAPTER VIII

Application to the Board

38. *Application for clearance.*—

(4) The Board may refer any of the application to the Sub-Committee.

(5) The Board or the Sub-Committee, as the case may be, may get the project evaluated prior to grant of in principle approval.

(6) The Board, Sub-Committee, its members or any of its authorised officials may inspect the area prior to grant of in principle approval.

(7) The Board or Sub-Committee may obtain any additional information or documents from the applicant or the Competent Authority.

(8) After grant of in principle approval, the application shall be forwarded by the Board or the Sub-Committee to the concerned person or officer or Competent Authority for processing and disposal within the time limit specified in sub-section (1) of section 39.

39. *Time limit for processing of applications and issue of clearances.*—

(2) On receipt of an application, the person, officer or Competent Authority, may through the Board or the Sub-Committee, obtain further additional information from the applicant as required, at any time before the expiry of the period stipulated for the disposal of such application with an advance copy of the same to the applicant:

Provided that the person, officer or Competent Authority shall strictly ensure that all the queries are raised together with a single letter and no query is raised separately causing delay in clearance.

(3) The applicant shall furnish the required information as expeditiously as possible to the Board or the Sub-Committee, as the case may be, with a copy to the concerned person or officer or Competent Authority simultaneously.

(4) The concerned person, officer or Competent Authority shall send its order sanctioning or rejecting the application, to the Board or the Sub-Committee, as the case may be, so that the application is disposed within the time limit specified in sub-section (1).

40. *Combined Application Form.*— The Board may specify such application form as deemed fit by it and every Competent Authority or person or officer shall accept such application form for processing and issuing required clearance.

CHAPTER IX

Supplementary and Miscellaneous Provisions

42. *Declaration of Investment Promotion Area.*— (1) Notwithstanding anything to the contrary contained in any other State law for the time being in force, the Government may, by notification in the Official Gazette,—

(b) appoint the Board or Sub-Committee or any other committee or Officer thereof for the purpose of the assessment and recovery of any taxes when imposed as per the provisions made thereof;

(c) declare that the provisions of any State law relating to local authorities providing for control or erection of buildings, levy and collection of taxes, fees and other dues to the local authority which is in force in such Investment Promotion Area shall cease to apply and thereupon such provisions shall cease to apply thereof:

Provided that the Municipal Corporation, Municipalities and the Village Panchayats which were receiving house tax, other taxes or fees from the occupants in such Investment Promotion Area under their respective laws, shall be compensated by the Government to the extent of the last financial year's collection of such house tax, other taxes or fees for such period as may be determined by the Government which shall not be less than five years;

(2) Before publication of a notification under sub-section (1), the Government shall cause to be published in the Official Gazette and also in at least one newspaper published in a language other than English and circulating in the area to be

specified in the notification, inviting all persons who entertain any objections to the said proposal to submit the same in writing with reasons therefor to the Government within one month from the date of publication of the proclamation in the Official Gazette.

43. *Development of areas.*— (1) Notwithstanding anything to the contrary contained in any other State law for the time being in force, once a notification is issued under clause (a) of sub-section (1) of section 42 declaring any area to be an Investment Promotion Area, the Government may, by notification in the Official Gazette, appoint a Planning, Development and Construction Committee consisting of the following members, namely:—

(i) Chief Secretary— Chairperson;

(ii) Secretary (Industries)— Member;

(iii) Director, Directorate of Industries, Trade and Commerce— Member;

(iv) Chief Town Planner (Planning) or his nominee not below the rank of the Deputy Town Planner— Member;

(v) Director, Directorate of Health Services or his nominee not below the rank of the Deputy Director— Member;

(vi) Director of Fire and Emergency Service or his nominee not below the rank of Deputy Director— Member;

(vii) Chief Inspector of Factories and Boilers or his nominee not below the rank of the Inspector— Member;

(viii) Chief Electrical Engineer, Electricity Department or his nominee not below the rank of the Superintending Engineer— Member;

(ix) Principal Chief Engineer, Public Works Department or his nominee not below the rank of the Superintending Engineer— Member;

(x) Principal Chief Conservator of Forests— Member;

(xi) Member Secretary, Goa State Pollution Control Board— Member;

(xii) Member Secretary, Goa Coastal Zone Management Authority— Member;

- (xiii) District Collector, North Goa— Member;
- (xiv) District Collector, South Goa— Member;
- (xv) Chief Executive Officer of the Board— Member Secretary,

to decide and dispose of all applications for change of land use/conversion, land development and building construction under the Goa Land Revenue Code, 1968 (Act 9 of 1969), the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975), the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act 6 of 2008) and the rules and regulations framed thereunder (hereinafter referred to as the “said Acts”).

(2) The Planning, Development and Construction Committee shall discharge all the functions of,—

(i) the Collector under the Goa Land Revenue Code, 1968 (Act 9 of 1969);

(ii) the Chief Town Planner of the Town and Country Planning Department, in a non-planning area and the Planning and Development Authority in a planning area, under the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975); and

(iii) the Competent Authority under the Goa Land Development and Building Construction Regulations, 2010.

(3) The Planning, Development and Construction Committee shall have regard to the provisions of all local laws including any regional plan, outline development plan, comprehensive development plan or other plans prepared under the relevant Act as in force.

45. Restrictions of development on certain lands.— The Board or sub-committee shall not recommend following lands for the purpose of setting up of project or for investment promotion under this Act, namely:—

(a) a khazan land and low-lying paddy field except for the purpose of activities as permissible thereon;

(b) sloping or non-developable slope land with the gradient of more than 25%;

(c) protected forest land and wildlife sanctuaries except for the purpose of activities as permissible thereon under the Wildlife Protection Act, 1972 (Central Act 53 of 1972);

(d) land covered under the Coastal Regulatory Zone except the project which has prior approval or clearance of Goa Coastal Zone Management Authority;

(e) lands earmarked as open spaces under the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975);

(f) land under dispute where any court, tribunal, or any statutory authority has passed any injunction or granted any status quo or prohibitory orders;

(g) Tenanted agricultural land except for agricultural activities carried out by tenant/ deemed purchaser.

46. Review of cases by the Board.— Notwithstanding anything contained in any State law for the time being in force, the Board may, either suo moto or on a reference from any person, officer or Competent Authority or an investor, examine any order passed by the Sub-Committee and pass appropriate orders as it deems fit and such orders shall be final and binding on the Sub-Committee and on such person, officer or the Competent Authority or an investor.

49. Penalty.— Any investor who submits false information or fails to comply with the conditions or undertaking in the Declaration given to the Board or the Sub-Committee, as the case may be, shall be liable for a penalty not less than 2% but not exceeding 10%, of the investment value specified by the investor, to be imposed by the Board. The decision of the Board in this regard shall be final and binding upon the investor.

51. Default in performance of duty.— (1) If the Government is satisfied that the Board or the Sub-Committee has made a default in performing any duty or obligation imposed or cast on it by or under this Act, the Government may fix a period for the performance of that duty or obligation by giving notice to the Board or the Sub-Committee, as the case may be.

(2) If, in the opinion of the Government, the Board or the Sub-Committee fails or neglects to perform such duty or obligation within the period so fixed for its performance it shall be lawful for the Government to dissolve and re-constitute the Board or the Sub-Committee.

(3) After dissolution of the Board or the Sub-Committee and until it is reconstituted, the powers, duties and functions of the Board and the Sub-Committee under this Act shall be carried on by the Government or by such officer or officers or

committee of officers as may be appointed by the Government and all properties vested in the Board shall, during such period, vest in the Government.

53. *Power of Board to make regulations.*—

(2) In particular and without prejudice to the generality of foregoing power, such regulations may provide for all or any of the matters, namely:—

(b) rules and procedure for transaction of business of the Sub-Committee under sub-section (1) of section 21;

54. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against the Government or any officer or any employee of the Government or the Board or the Sub-Committee constituted under this Act or any member, officer, or other employee of the Board or the Sub-Committee in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules or the regulations made or orders or directions issued thereunder.

55. *Members, officers and employees of the Board or the Sub-Committee, constituted under this Act to be public servants.*— All the members of the Board and Sub-Committee constituted under this Act and all officers and other employees of the Board or the Sub-Committee when acting or purporting to be acting in pursuance of any provisions of this Act or the rules and regulations made or orders or directions issued thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

56. *Bar of jurisdiction of courts.*— No Court shall entertain any suit, application or other proceeding in respect of anything done, action taken, or order or direction issued by the Government or the Board or the Sub-Committee or any officer in pursuance of any power conferred by or in relation to their functions under this Act.

58. *Inspection and Assistance from Authorities.*— (1) Every Competent Authority, public servant and officer of all the departments of the Government shall render such help and assistance and furnish such information to the Board as it may require for the discharge of its functions and shall make available to the Board or the Sub-Committee for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of its functions.

LA/LEGN/2024/1396

The following bill which was introduced in the Legislative Assembly of the State of Goa on 1st August, 2024 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Municipalities (Amendment)
Bill, 2024

(Bill No. 29 of 2024)

A

BILL

further to amend the Goa Municipalities Act, 1968 (Act 7 of 1969).

BE it enacted by the Legislative Assembly of Goa in the Seventy-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (Amendment) Act, 2024.

(2) It shall come into force at once.

2. *Amendment of section 22.*— In section 22 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the “principal Act”), in sub-section (7), for the expression “sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1889)”, the expression “sections 384 and 385 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023)” shall be substituted.

3. *Amendment of section 51.*— In section 51 of the principal Act, in sub-section (5), in clause (a), for the expression “Chapter XXV of the Code of Criminal Procedure, 1973, (Central Act 2 of 1974)”, the expression “Chapter XXVII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023)” shall be substituted.

4. *Amendment of section 91.*— In section 91 of the principal Act, in sub-section (1), for the expression “section 168 of the Indian Penal Code (XLV of 1860)” the expression “section 202 of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023)” shall be substituted.

5. *Amendment of section 184 C.*— In section 184 C of the principal Act, in sub-section (7),-

(i) for the expression “sections 193 and 228 and for the purpose of section 196 of the Indian Penal Code (Central Act 45 of 1860)”, the expression “sections 229 and 267 and for the purpose of section 233 of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023)” shall be substituted;

(ii) for the expression “section 195 and Chapter XXVI of the Code of Criminal Procedure 1973 (Central Act 2 of 1974)”, the expression “section 215 and Chapter XXVIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2024)” shall be substituted.

6. *Amendment of section 184 D.*— In section 184 D of the principal Act, for the word “Government”, wherever it occurs, the word “High Court” shall be substituted.

7. *Amendment of section 184 F.*— In section 184F of the principal Act, for the expression “prepare every year”, the expression “prepare by the 31st day of January of every year” shall be substituted.

8. *Amendment of section 210.*— In section 210 of the principal Act, in sub-section (5), for the expression “section 277 of the Indian Penal Code XLV of 1860”, the expression “section 279 of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023)” shall be substituted.

9. *Amendment of section 248.*— In section 248 of the principal Act, in sub-section (1), in clause (j), for the expression “section 176 of the Code of Criminal Procedure, 1898 (V of 1898)”, the expression “section 196 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023)” shall be substituted.

10. *Amendment of section 281.*— In section 281 of the principal Act, in sub-section (4), for the expression “section 257 of the Code of Criminal Procedure, 1973 (Central Act 2 of

1974)”, the expression “section 280 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023)” shall be substituted.

11. *Amendment of section 287.*— In section 287 of the principal Act, for the expression “within the meaning of section 21 of the Indian Penal Code XLV of 1860”, the expression “as defined in clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023)” shall be substituted.

12. *Amendment of section 290 A.*— In section 290A of the principal Act,—

(i) for the expression “The Code of Criminal Procedure, 1973 (Central Act 2 of 1974)”, the expression “The Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023)” shall be substituted;

(ii) for the expression “section 42 of that Code”, the expression “section 39 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023)” shall be substituted.

13. *Amendment of section 296.*— In section 296 of the principal Act, in sub-section (2), for the expression “sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898)”, the expression “sections 384 and 385 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023)” shall be substituted.

14. *Amendment of section 321.*— In section 321 of the principal Act, in sub-section (2), in clause (b), for the expression “Chapter VII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)”, the expression “Chapter VII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023)” shall be substituted.

Statement of Objects and Reasons

In view of repeal of the Indian Penal Code, 1860 (45 of 1860), the Code of Criminal Procedure, 1973 (2 of 1974) and the Code of Criminal Procedure, 1898 (V of 1898) and enactment of the Bharatiya Nyaya Sanhita,

2023 (Central Act No. 46 of 2023) and the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Bill seeks to carry out consequential amendments to sections 22, section 51, section 91, section 184C, section 210, section 248, section 281, section 287, section 290A, section 296 and section 321 of the Goa Municipalities Act, 1968 (Goa Act 7 of 1969).

The Bill seeks to amend section 184D of the Goa Municipalities Act, 1968 (Goa Act 7 of 1969) so as to substitute the word “Government” with the word “High Court” in order to make provision for judicial review of the decision of the Appellate Authority.

The Bill seek to amend section 184 F of the Goa Municipalities Act, 1968 (Goa Act 7 of 1969) so as to prescribe a date of submission of development plan to the District Planning Committee to comply with the directives issued by the Hon'ble High Court of Bombay at Goa in judgement dated 12-2-2020 passed in IPL W.P. No. 6 of 2018.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa. (VISHWAJIT P. RANE)
26th July, 2024. Minister for Urban
Development

Assembly Hall, (NAMRATA ULMAN)
Porvorim, Goa. Secretary to the Legislative
26th July, 2024. Assembly of Goa

ANNEXURE

Extracts of the Goa Municipalities Act, 1968 (Act 7 of 1969)

22. Disputes in respect of election, of Councillors.—

(1) No election, of a Councillor may be called in question, except by a petition presented to the District Court by a candidate at the election or by any person entitled to vote at the election, within ten days after the publication of the names of the Councillors in the Official Gazette under section 20, as the case may be.

(2) Any such petition— (a) shall contain a concise statement of the material facts on which the petitioner relies,

(b) shall, with sufficient particulars, set forth the ground or grounds on which the election, is called in question, and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings. V of 1908.

(3) A petitioner may claim all or any one of the following declarations, namely:— (a) that the election of all or any of the returned candidates is void; or

(b) that the election of all or any of the returned candidates is void and that he himself or any other candidate has been duly elected; or

(4) A petitioner shall join as respondents to his petition— (a) where the petitioner claims a declaration under clause (a) of sub-section (3), the returned candidate or candidates in respect of whom such declaration is claimed;

(b) where the petitioner claims a declaration under clause (b) of sub-section (3), all the contesting candidates other than the petitioner;

(c) any other candidate against whom allegations of any corrupt or illegal practice are made in the petition; Explanation:— The expression “returned candidate” means a candidate whose name has been published in the Official Gazette under section 20.

(5) Such petition shall be inquired into and disposed of by the District Judge or by any Judge not lower in rank than a Civil Judge Senior Division to whom the case or such cases generally may be referred to by the District Judge.

(6) All petitions under sub-section (1), in which the validity of the election of the same Councillor elected to represent the same ward is in question shall be heard together.

(7) For the trial of such petition, the Judge shall have all the powers of a civil court including powers in respect of the following matters, namely:—

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;
- (e) granting adjournments;
- (f) reception of evidence on affidavit; and
- (g) issuing commissions for the examination of witnesses;

and the Judge may summon and examine *suo motu* any person whose evidence appears to him to be material. The Judge shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

(8) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Judge shall not permit— V of 1908.

(a) any application to be compromised or withdrawn, or

(b) any person to alter or amend any pleading, unless he is satisfied that such application for compromise or withdrawal or the application for such alteration or amendment is bona fide and not collusive.

(9) The Judge, after such inquiry as he deems necessary, may pass suitable order and his order shall be conclusive.

(10) If the petitioner has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Judge is satisfied that—

(a) the petitioner or such other candidate received sufficient number of valid votes to have been elected; or

(b) but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a sufficient number of valid votes to have been elected,

The Judge may, after declaring the election of the returned candidate void, declare the petitioner or such other candidate to have been duly elected: Provided that—

(i) for the purpose of such computation, no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person known or unknown in giving or obtaining it;

(ii) after such computation, if any equality of vote is found to exist between any candidates and the addition of one vote would entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been recorded in favour of the candidate, selected by lot drawn in the presence of the Judge in such manner as he may determine.

(11) Where any charge is made in the petition of any corrupt practice, the Judge shall make an order recording the names of all persons including any candidates, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice and may disqualify any such person for becoming a Councillor or a Councillor or member of any other local authority for such period not exceeding six years but not less than two years from the date of the order, as the Judge may specify in the order:

Provided that no person shall be named in such order unless— (a) he has been given notice to appear before the Judge and to show cause why he should not be so named; and

(b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Judge and has given evidence against him, of calling evidence in his defence and of being heard.

(12) If the Judge sets aside the election of a candidate on the ground that a corrupt practice has been committed by the returned candidate or his election agent or by any other person with the consent of the candidate or his election agent and if such candidate's name has not been included in any order made under sub-section (11), the Judge shall declare such candidate disqualified for becoming a Councillor or a Councillor or member of any other local authority for such period not exceeding six years but not less than two years from the date of the order, as the Judge may specify in the order.

(13) The Judge may also make an order fixing the total amount of costs payable and specifying the person by and to whom costs shall be paid. Such costs shall be recoverable as if they had been

awarded in a suit under the Code of Civil Procedure, 1908. V of 1908.

(5) Corrupt practices and other electoral offences.

51. *Duties and functions of the Council.*— (1) Except as otherwise provided in this Act, [the administration of municipal area] shall vest in the Council.

(2) In addition to the duties imposed upon it by or under this Act or any other law for the time being in force, unless the Government otherwise directs it shall be the duty, of every Council to undertake and to make reasonable provision for the following matters within the limits of the municipal area, and when effective measures cannot otherwise be made then even outside the said limits, namely:—

(a) lighting public streets, places and buildings;

(b) watering public streets, and places;

(c) cleansing public streets, places and sewers, and all spaces, not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Council or not; removing noxious vegetation; and abating all public nuisances;

(d) extinguishing fires, and protecting life and property when fires occur;

(e) regulating or abating offensive or dangerous trades or practices;

(f) removing obstructions and projections in public streets or places and, in spaces, not being private property, which are open to the enjoyment of the public, whether (g) securing or removing dangerous buildings or places and reclaiming unhealthy localities;

(h) acquiring and maintaining, changing; and regulating places for the disposal of the dead;

(i) constructing, altering and maintaining public streets, culverts, municipal boundary marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like;

(j) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, when such supply or additional supply can be obtained at a reasonable cost;

(k) naming streets and numbering of premises;

(l) public vaccination;

(m) suitable accommodation for any calves, cows or buffaloes required within the municipal area for the supply of animal lymph;

(n) printing such annual reports on the municipal administration of the municipal area as the Government by general or special orders requires the Council to submit;

(o) erecting substantial boundary marks of such description and in such position as shall be approved by the, defining the limits, or any alteration in the limits of the municipal area;

(p) disposing of night-soil and rubbish and if so required by the Government, preparation of compost manure, from such night-soil and rubbish;

(q) providing special medical aid and accommodation for the sick in time of dangerous or communicable disease and taking such measures as may be required to prevent the outbreak or to suppress and prevent the recurrence of such disease;

(r) giving relief and establishing and maintaining relief works in time of scarcity or for destitute persons within the limits of the municipal area;

(s) imposing compulsory taxes which are specified in section, 101;

(t) establishing and maintaining public dispensaries, and providing public medical relief and organising Family Planning Centres;

(u) establishing and maintaining primary schools.

(3) A Council may, at its discretion, provide, either wholly or partly, out of the municipal property and funds for—

(a) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, and the land required for the construction of buildings or curtilages thereof to abut on such streets;

(b) establishing or maintaining public hospitals, institutions for pre-primary and secondary education, libraries, museums, lunatic asylums, gymnasiums, akhadas, and homes for

disabled and destitute persons, and constructing and maintaining buildings therefor, along with such other public buildings like town halls, municipal offices, shops, dharmashalas, open air theatres, stadia and rest houses;

(c) laying out or maintaining public parks and gardens, and also planting and maintaining roadside and other trees;

(d) providing music for the people;

(e) taking a census, and granting rewards for information which may tend to secure the correct registration of vital statistics;

(f) making a survey;

(g) paying the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary or honorary Magistrate; or any portion of any such charges;

(h) arranging for the destruction or the detention and preservation of dogs which may be destroyed or detained under section 278 of this Act or under any law for the time being in force the Union territory;

(i) securing or assisting to secure suitable places for the carrying on of the offensive trades specified in section 265;

(j) supplying, constructing and maintaining, in accordance with a general system approved by the Director of Public Health, receptacles, fittings, pipes and other appliances whatsoever on or for the use of private, premises, for receiving and conducting the sewage thereof into sewers under the control of the Council;

(k) the acquisition and maintenance of grazing grounds; and the establishment and maintenance of dairy farms and breeding stud;

(l) establishing and maintaining a farm or factory for the disposal of sewage;

(m) promoting the well-being of municipal employees or any class of municipal employees and of their dependants;

(n) providing accommodation for servants employed by the Council;

(o) the construction of sanitary dwellings for the poorer classes;

(p) the purchase, organisation, maintenance, extension and management of mechanically propelled transport facilities for the conveyance of the public;

(q) the construction, maintenance, repairs, purchase of any works for the supply of electrical energy or gas;

(r) making contributions towards the construction, establishment or maintenance of educational institutions including libraries and museums, any hospital, dispensary or similar institution providing for public medical relief, or any other institution of a charitable nature;

(s) giving grants or donations to privately run primary or secondary schools or hostels for students;

(t) the setting up of dairies or farms for the supply, distribution and processing of milk or milk products for the benefit of the inhabitants of the municipal area;

(u) any public reception, ceremony, fair, entertainment or exhibition held in the municipal area, within the amount as may be determined by Director from time to time.

(i) in each case, where the expenses are above the permissible limits herein before specified;

(ii) in each case, whatever the expense involved, after the annual limits hereinbefore specified are reached;

(v) any other measure not specified in sub-section (2) likely to promote public safety, health and convenience.

(4) No suit for damages or for specific performance shall be maintainable against any Council or any Councillor or officer or servant thereof on the ground that any of the duties specified in sub-section (2) above have not been performed.

(5) Every Council shall also, out of the municipal property and fund, make payments at such rates as the Government may from time to time by general or special order specify for the maintenance and treatment either in the municipal area or at any asylum, hospital or house, whether within or without such municipal area, which the Government declares by notification to be suitable for such purpose,—

(a) of lunatics, not being persons for whose confinement an order under Chapter 114[XXV] of the Code of Criminal Procedure, [1973 (Central Act 2 of 1974)], is in force, and

(b) of leprosy patients, resident within, or under any enactment for the time being in force removed from, the municipal area:

Provided that the Council shall not be liable under this sub-section for the maintenance and treatment of any lunatic or leprosy patient in any such asylum, hospital or house as aforesaid, unless such lunatic or leprosy patient, immediately previous to his admission thereto, has been resident in the municipal area for at least one year:

Provided further that, where an application is made to the High Court or a District Court under the provisions of section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by a Council shall be made without an opportunity being given to such Council to show that the lunatic has an estate applicable to his maintenance or that there is a person legally bound, and having the means, to maintain him. The officer in charge of any asylum to which lunatics for whose maintenance and treatment a Council is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of each lunatic detained in the asylum and shall furnish a copy thereof to the Council on application.

(6) Where a Council has entered into any arrangement or made any promise, purporting to bind it or its successors for a term of years or for an unlimited period to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the Council or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue, or diminish such yearly contribution, provided that it shall have given at least twelve months' notice of its intention so to do to the manager or managers of such institution.

91. *Penalty to Councillors, officers and servants for improper interest in contracts, etc.*— (1) if any Councillor, or any officer or servant of a Council, without the written permission of the Director, is directly or indirectly interested in any contract made with such Council, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

(2) A Councillor or an officer or servant of a Council shall not, by reason only of being a shareholder in, or a member of any company, or co-operative society, be deemed to be interested in any contract entered into between the company or the society and the Council.

184 C. *Procedure of the Appellate Tribunal.*— (1) The Appellate Tribunal may, after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the order or notice appealed against or may refer the case back to the authority or officer against whose order or notice the appeal is filed, for a fresh order or notice, after taking additional evidence, if necessary, or such other action as the Appellate Tribunal may specify.

(2) The Appellate Tribunal shall send a copy of every order passed by it to the parties to appeal.

(3) No Appellate Tribunal shall, in any appeal pending before it in respect of any order or notice under this Act, make an interim order (whether by way of injunction or stay) against the Municipal Council or against any officer or servant of the Municipal Council acting or purporting to act in his official capacity, unless an opportunity is given to the Municipal Council or its officer or servant to be heard in the matter: Provided that the Appellate Tribunal may without giving an opportunity as aforesaid, make an interim order as an exceptional measure, if it is satisfied for reasons to be Act recorded by it in writing that it is necessary so to do for preventing any loss being caused to the person filling the appeal which cannot be adequately compensated in money:

Provided further that every such interim order shall, if it is not vacated earlier, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless before the expiry of that period, the Appellate Tribunal confirms or modifies that order after giving to the Municipal Council or its officer or servant an opportunity of being heard.

(4) Subject to rules that may be made by the Government in this behalf, the awarding of damages in and the cost of, and incidental to, any appeal before an Appellate Tribunal, shall be in its discretion and it shall have full power to determine by and to whom, and to what extent and subject to what conditions, if any, such damages or costs are to be paid and to give, in its order disposing of an appeal, necessary directions for the purpose aforesaid.

(5) An order of the Appellate Tribunal made under this section may be executed or caused to be executed by it on the application of the person in whose favour the order has been made.

(6) In hearing and deciding an appeal or in the execution of an order, the Appellate Tribunal shall follow such procedure as may be prescribed by rules.

(7) Every Appellate Tribunal shall, in addition to the powers conferred on it under this Act, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

(a) Summoning and enforcing the attendance of persons and examining them on oath;

(b) requiring the discovery and inspection of documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public records or copies thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents; and

(f) any other matter which may be prescribed by rules, and every proceeding of an Appellate Tribunal in hearing or deciding an appeal or in connection with the execution of its order, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purpose of section 196 of the Indian Penal Code (Central Act 45 of 1860), and every Appellate Tribunal shall be deemed to be a Civil Court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

184D. *Appeal against order of Appellate Tribunal.*— (1) An appeal shall lie to the Government against an order of the Appellate Tribunal, made in an appeal under section 184 confirming, modifying or annulling an order made or notice issued under this Act.

(2) The provisions of section 184 and the rules made there under, shall, so far as may be, apply to the filling and disposal of an appeal under that section.

(3) An order of the Government on an appeal under this section, and subject only to such order, an order of the Appellate Tribunal under section 184, and subject to such orders of the Government or an Appellate Tribunal, an order or notice referred to in that section, shall be final.

184F. *Preparation of development plan.*— Every Council shall prepare every year a development plan and submit it to the District Planning Committee constituted under section 239 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994).]

210. *Prohibition of certain acts affecting the municipal water works.*— (1) A Council may, with the sanction of the Director, demarcate and notify the limits of the water-shed of any lake, tank, well

or reservoir from which water is derived for the municipal water-work, or use by the residents of the municipal area.

(2) Except with the permission of the Council, no person shall—

(a) erect any building for any purpose whatever within such limits;

(b) remove, alter, injure, damage or in any way interfere with any boundary marks of such water-shed;

(c) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits; or

(d) carry on, within the said limits, any operation of manufacture, trade or agriculture in any manner, or do any act whatever, whereby injury may arise to any such lake, tank, well or reservoir or to any portion thereof or whereby the water of such lake, tank, well or reservoir may be fouled or rendered less wholesome.

(3) Except with the permission of the Chief Officer, no person shall—

(a) cause or suffer to percolate or drain into or upon any municipal water-work or to be brought therein to or thereupon anything, or to be done any act, whereby the water therein may be in any way fouled or polluted or its quality altered;

(b) alter the surface of any municipal land adjacent to or forming part of any such work by digging therein to or depositing thereon any substance;

(c) cause or suffer to enter into the water in such work any animal;

(d) bathe in or near such work;

(e) throw or put anything into or upon the water in such work;

(f) wash or cause to be washed in or near such work any animal or thing.

(4) Whoever contravenes any provision of sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to 363 [Five thousand rupees], or with both.

(5) Whoever contravenes any provision of sub-section (3) shall be deemed to have committed an offence punishable under section 277 of the Indian Penal Code. XLV of 1860.

(6) When any person is convicted under sub-section (4), the Magistrate who convicts him may order the immediate removal of any building, or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(7) If any order made under sub-section (6) is disobeyed or the execution thereof resisted, the offender shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to [ten thousand rupees], or with both.

248. *Acts prohibited in connection with disposal of dead.*— (1) Except with the permission of the Chief Officer, no person shall—

(a) burn, bury or otherwise dispose of any corpse except at a place provided or maintained for the purpose;

(b) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(c) carry a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Council may, by public notice, from time to time, think fit to require;

(d) except when no other route is available, carry a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Council in this behalf;

(e) remove a corpse which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(f) whilst conveying a corpse, place or leave the same on or near any street without urgent necessity;

(g) reopen for the interment of a corpse a grave or vault already occupied;

(h) after bringing or causing to be brought to a burning ground any corpse fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground;

(i) when burning or causing to be burnt any corpse, permit the same or any portion thereof to remain without being completely reduced to ashes or permit any cloth or other article used for the conveyance or burning of such corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes;

(j) exhume any body except under the provision of section 176 of the Code of Criminal Procedure, 1898 or of any other law for the time being in force, from any place for the disposal of the dead. V of 1898.

Explanation:— For the purposes of this section, the expression “corpse” includes any part thereof.

(2) Any person who contravenes any provision of sub-section (1), shall, on conviction, be punished with fine which may extend to [Five thousand rupees].

281. *Provisions as respects institution, compounding, etc., of criminal actions.*— (1) Subject to the general control of the Council, the Chief Officer may take proceedings against any person who is charged with—

(a) any offence against this Act or any rules or bye-laws made thereunder;

(b) any offence which affects or is likely to affect any property or interest of the Council or the due administration of this Act; or

(c) committing any nuisance whatever: Provided that the Chief Officer shall not, except with the previous approval of the Council, direct a prosecution or order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections, namely:—

(i) sub-section (7) of section 171 read with sub-sections (8) and (9) of section 184;

(ii) sub-section (6) of section 178;

(iii) sub-section (5) of section 243.

(2) No prosecution for any offence under this Act or the rules or bye-laws made thereunder shall be instituted, except within six months next after the date of the commission of the offence, or if such date is not known or the offence is a continuing one within six months after the commission or discovery of such offence.

(3) Any prosecution under this Act or the rules or bye-laws made thereunder may, save as therein otherwise provided, be instituted before any Magistrate; and every fine or penalty imposed under or by virtue of this Act or any rule or bye-law, and any compensation, expenses, charges or damages for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to any Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

(4) Notwithstanding anything contained in section of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), no Magistrate shall permit withdrawal of a complaint under that section in respect of an offence punishable under this Act or the rules and bye-laws made thereunder, unless the Magistrate is satisfied that although the complaint was made in good faith it was based on incorrect facts or insufficient information. V of 1898.

(5) Any offence committed under this Act or the rules or bye-laws made thereunder, whether committed before or after the commencement of the Goa Municipalities (First Amendment) Act, 2002, may, either before or after the institution of the prosecution, be compounded by such officers or authorities, on such conditions and for such amounts, as the State Government may, by Notification in the Official Gazette, specify in this behalf.]

(6) [omitted]

(7) Where an offence has been compounded under sub-section (5), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of this offence.]

(8) The expenses of all prosecutions or proceedings shall be paid out of the municipal fund.

287. Councillors, officers, servants, etc., to be public servants.— Every Councillor and every officer or servant of a Council, every contractor or agent appointed by it for the collection of any tax and every person employed by such contractor or agent for the collection of such tax shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

290 A. Certain offences to be cognizable.— The Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall apply to an offence under sub-section (7) of section 175 or sub-section (3) of section 176 or sub-section (6) of section 178 or sub-section (9) and (10) of section 184, as if it were a cognizable offence—

(i) for the purpose of investigation of such offence;

(ii) for the purposes of all matters other than—

(a) matters referred to in section 42 of that Code, and

(b) arrest of a person, except on the complaint of, or upon information received from, such officer of the Council, not being below the rank of a Chief Officer, as may be appointed by the Government:

Provided that no offence of the contravention of any condition subject to which sanction was accorded for the erection of any building or the execution of any work shall be cognizable, if such contravention relates to any deviation from any plan if such erection or execution sanctioned by the Council, is compoundable on payment of an amount under the bye-laws relating to buildings made under this Act].

296. Inquiry into municipal matters by Government.— (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the municipal administration of any Council or any matters with respect to which sanction, approval or consent of the Government is required under this Act.

(2) The officer holding such inquiry shall for the purpose thereof have the powers which are vested in a Court under Code of Civil Procedure, 1908, in respect of the following matters:— V of 1908.

(a) discovery and inspection,

(b) enforcing the attendance of witnesses, and requiring the deposits of their expenses,

(c) compelling the production of documents,

(d) examination of witnesses on oath,

(e) granting adjournments,

(f) reception of evidence on affidavit, and

(g) issuing commissions for the examination of witnesses, and may summon and examine suo motu any person whose evidence appears to him to be material; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898. V of 1898.

Explanation:— For the purpose of enforcing the attendance of witnesses the local limit of such officer's jurisdiction shall be the limits of the [State of Goa].

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid and such costs shall be recoverable as an arrear of land revenue.

321. *Power of Collector to recover record and money.*— (1) Where on information received, the Director is of the opinion that any person, who in his capacity as a [Chairperson], [Vice-Chairperson], Councillor, or officer or servant of a Council had in his custody any records, stores or money or other property belonging to the Council, inspite of the expiry of his term of office or his removal or suspension from office, as the case may be, has not delivered such records, stores, money or other property to his successor in the office, the Director may by a written order require that the records, stores, money or other property so detained, be delivered to such successor within the time to be specified in such order.

(2) If such [Chairperson], [Vice-Chairperson], Councillor, or officer or servant of the Council fails to comply with the order of the Director under the foregoing sub-section, it shall be lawful for the Director,—

(a) for recovering any such money, to direct that such money may be recovered as an arrear of land revenue and on such direction being given by the Director such money shall be recoverable as an arrear of land revenue from such person;

(b) for recovering any such records or stores or other property, to issue a search warrant and to exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 [“(Central Act 2 of 1974)”].

(3) No action shall be taken under this section, unless the person concerned has been given a reasonable opportunity to show cause why such action should not be taken against him.

(4) The fact that action is or has been taken against an outgoing [Chairperson] or [Vice-Chairperson] under the provisions of this section shall not be a bar to the prosecution of such [Chairperson] or [Vice-Chairperson] under sub-section (4) of section 58.

LA/LEGN/2024/1397

The following bill which was introduced in the Legislative Assembly of the State of Goa on 1st August, 2024 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Clinical Establishments
(Registration And Regulation)
(Amendment) Bill, 2024

(Bill No. 26 of 2024)

A

BILL

further to amend the Goa Clinical Establishments (Registration and Regulation) Act, 2019 (Goa Act 19 of 2019).

BE it enacted by the Legislative Assembly of Goa in the Seventy-fifth Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Clinical Establishments (Registration and Regulation) (Amendment) Act, 2024.

(2) It shall come into force at once except sections 2 and 4 which shall be deemed to have come into force on the 15th day of March, 2024.

2. *Insertion of new section 20A.*— After section 20 of the Goa Clinical Establishments (Registration and Regulation) Act, 2019 (Goa Act 19 of 2019) (hereinafter referred to as the “principal Act”), the following section shall be inserted, namely:—

“20A. *Extension of time limit for provisional and permanent registration.*— (1) Notwithstanding anything contained in this Act or any other law for the time being in force, the provisional registration granted under this Act in the past which have lapsed or which are subsisting shall stand revived or extended and shall be deemed to be valid for a period of one year from the date of coming into force of this section.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force, the clinical establishments who have not obtained provisional or permanent registration under this Act shall be entitled to apply and obtain permanent registration under this Act within a period of one year from the date of coming into force of this section.”

3. *Amendment of section 45.*— In section 45 of the principal Act, for expression “within the meaning of section 21 of the India Penal Code, 1860 (45 of 1860)”, the expression “as defined in clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023)” shall be substituted.

4. *Amendment of section 47.*— In section 47 of the principal Act, sub-section (3) shall be omitted.

5. *Repeal and savings.*— (1) The Goa Clinical Establishments (Registration and Regulation) (Amendment) Ordinance, 2024 (Ordinance No. 4 of 2024) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects and Reasons

The Bill seeks to insert new section 20A in the Goa Clinical Establishments (Registration and Regulation) Act, 2019 (Goa Act 19 of 2019) (hereinafter referred to as the “principal Act”) so as to extend the time limit for provisional and permanent registration of the clinical establishments.

The Bill seeks to make consequential amendment to section 45 of the said Act in view of enactment of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023).

The Bill seeks to amend Section 47 of the said Act so as to give more time to obtain registration of the clinical establishments who have not complied with the requirement of obtaining provisional/final registration within the time limit prescribed under the Act.

The Bill also seeks to repeal the Goa Clinical Establishments (Registration and Regulation) (Amendment) Ordinance, 2024 (Ordinance No. 4 of 2024) promulgated by the Governor of Goa on 15-03-2024.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall,

Porvorim, Goa.

Dated: 25-07-2024.

VISHWAJIT RANE,

Hon'ble Minister for Health

Assembly Hall,

Porvorim, Goa.

Dated: 25-07-2024.

NAMRATA ULMAN,

Secretary (Legislature).

A Tabular format showing existing provision and proposed amendment in the Goa Clinical Establishments (Registration and Regulation) Act, 2019:

Sr. No.	Existing Section in the Act	Proposed Section in the Act
1	2	3

1. Insertion of new section.

1. Insertion of new section 20A.— After section 20 of the Goa Clinical Establishments (Registration and Regulation) Act, 2019 (Goa Act 10 of 2019) (hereinafter referred to as the “principal Act”, the following section shall be inserted, namely:—

“20A. Extension of time limit for provisional registration.— (1) Notwithstanding anything contained in this Act or any other law for the time being in force, the provisional registration granted under this Act in the past which have lapsed or which are subsisting shall stand revived or extended and shall be deemed to be valid for one year from the date of coming into force of this section. (2) Notwithstanding anything contained in this Act or any other law for the time being in force, the clinical establishments who have not obtained provisional or permanent registration under this Act shall be entitled to apply and obtain permanent registration under this Act within one year from the date of coming into force of this section”.

To be Omitted.

2. 47 (3) Every rule made by the Government under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

LA/LEGN/2024/1398

The following bill which was introduced in the Legislative Assembly of the State of Goa on 1st August, 2024 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Town and Country Planning
(Amendment and Validation) Bill, 2024

(Bill No. 25 of 2024)

A

BILL

further to amend the Goa Town and Country Planning Act, 1974 (Act 21 of 1975).

BE it enacted by the Legislative Assembly of Goa in the Seventy-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Amendment and Validation) Act, 2024.

(2) It shall be deemed to have come into force on the 16th day of December, 2022.

2. *Amendment of section 19.*— In the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) (hereinafter referred to as the “principal Act”), in section 19, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Notwithstanding anything contained in this Act,—

(i) where the whole or part of any planning area, is withdrawn from the operation of this Act, the Outline Development Plan which was in force in such planning area on the date of its withdrawal shall remain in force till such date the said area continues to be non-planning area;

(ii) where any area is declared to be a planning area under section 18, till such date the Outline Development Plan is prepared and published under section 37 in respect of such area, all development works in such area shall conform to the regional plan.”.

3. *Validation.*— Notwithstanding anything contained in any judgment, decree or order of any court or other authority to the contrary, all approvals granted and zoning certificates/ /conversion reports issued on the basis of the Outline Development Plan for Calangute-Candolim Planning Area – 2025 and Outline Development Plan for Arpora-Nagoa-Parra Planning Area – 2030 after coming into force of the Notification No. 36/1/TCP/443/2022/ /3406 dated 16-12-2022, published in the Official Gazette, Extraordinary No. 4, dated 20-12-2022 shall, for all purposes, be deemed to be and to have always been validly granted/issued in accordance with the provisions of section 19 of the principal Act as amended by this Act, and accordingly,-

(i) no suit or other proceeding shall lie or be maintained or continued in any court challenging such approvals/certificates/ reports; and

(ii) anything done or any action taken or purported to have been done or taken, under or for the purposes of the principal Act on the basis of the said outline development plan or regional plan, as the case may be, shall be deemed to have been validly done or taken in accordance with law as if the provisions of section 19 of the principal Act, as amended by this Act, had been in force at all material times.

4. *Repeal and saving.*— (1) The Goa Town and Country Planning (Amendment and Validation) Ordinance, 2024 (Ordinance No. 2 of 2024) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects and Reasons

The Bill seeks to insert sub-section (3) in Section 19 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) so as enable the Chief Town Planner to consider all proposals on the basis of the Outline Development Plan which was in force prior to the withdrawing of the concerned planning area, till such time the said area continues to be non-planning area. The Bill also seeks to make provision so that any area which is declared to be a planning area shall conform to the regional plan till such date the Outline Development Plan is prepared in respect of such area.

The Bill also seeks to repeal the Goa Town and Country Planning (Amendment and Validation) Ordinance, 2024 (Ordinance No. 2 of 2024) promulgated by the Hon'ble Governor of Goa on 29th February, 2024.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa. 31st July, 2024.
VISHWAJIT RANE
Minister For Town and
Country Planning

Porvorim, Goa. 31st July, 2024.
NAMRATA ULMAN
Secretary to the (Legislature)
Assembly of Goa.

ANNEXURE

**Extract of Section 19 of the Goa
Town and Country Planning Act,
1974 (Act 21 of 1975)**

19. *Power to withdraw planning area from operation of the Act.*— (1) The Government may, if it is of opinion that it is necessary so to do in the public interest by notification, withdraw from the operation of this Act the whole or part of any planning area.

(2) When a notification is issued under sub-section (1) in respect of any planning area or part thereof—

(i) this Act and all rules, regulations, bye-laws, notifications, orders, directions and powers made, issued or conferred under this Act, shall cease to apply to the said area or part and the Planning and Development Authority, if any constituted, under this Act shall cease to have jurisdiction in respect of the said area or part, as the case may be; but where any Planning and Development Authority has been constituted exclusively for such area or part, such Authority shall, on the date of the notification stand dissolved;

(ii) the Government shall, after consulting the Board, the Planning and Development Authority and the local authority or authorities concerned, frame a scheme determining the portion or portions of the balance of the fund of the Planning and Development Authority concerned which shall vest in the Government and in the local authority or authorities concerned, and the manner in which the properties and liabilities of the Planning and Development Authority shall be apportioned between the Government and such local authority or authorities, and on the scheme being notified in the Official Gazette, the fund, property and liabilities of the Planning and Development Authority shall vest and be apportioned accordingly.

LA/LEGN/2024/1399

The following bill which was introduced in the Legislative Assembly of the State of Goa on 1st August, 2024 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The City of Panaji Corporation
(Amendment) Bill, 2024

(BILL No. 32 of 2024)

A

BILL

further to amend the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003).

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the City of Panaji Corporation (Amendment) Act, 2024.

(2) It shall come into force at once.

2. *Amendment of section 5.*— In section 5 of the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003) (hereinafter referred to as the “principal Act”),—

(i) for clause (8), the following clause shall be substituted, namely:—

“(8) “building” includes a house, outhouse, stable, shed, hut and other enclosure or structure, whether of masonry, bricks, wood, mud, metal or any other material, whether used as a human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, door-steps, walls (including compound walls and fencing) and the like;”;

(ii) in clause (46), for the expression “the Indian Trade Unions Act, 1926”, the expression “the Trade Unions Act, 1926 (Act No. 16 of 1926)” shall be substituted.

3. *Amendment of section 9.*— In section 9 of the principal Act, in the sub-section (2), for the words “The Director of Municipal Administration with the approval of the State Government”, the words “The State Election Commission in consultation with the State Government” shall be substituted.

4. *Amendment of section 10.*— In section 10 of the principal Act, in sub-section (1), for the expression “Corporation there”, the expression “Corporation, as notified in the Official Gazette, there” shall be substituted.

5. *Insertion of new sections 12 A to 12 C.*— After section 12 of the principal Act, the following sections shall be inserted, namely:—

“12A. *Requisitioning of premises, vehicles, etc., for election purposes.*— (1) If it appears to the State Government that in connection with an election to be held under the provisions of this Act, the State Government on the recommendation of State Election Commission for the purposes of conduct of the Election,—

(i) any premises are needed or are likely to be needed for the purpose of being used as polling stations, for counting, for storage of ballot boxes, voting machines and poll related material after a poll has been taken, accommodation for security forces and polling personnel; or

(ii) any vehicle or vessel is needed or is likely to be needed for the purpose of transport of ballot boxes, voting machine to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the Government may by order in writing requisition such premises, or such vehicle or vessel, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no such premises shall be requisitioned before issuance of the order by the State Election Commission under sub-rule (1) of rule 4 of the Corporation of the City of Panaji (Election) Rules, 2004:

Provided that no premises or vehicle or vessel, which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) Whenever any premises or vehicle or vessel is requisitioned the Government shall pay the compensation.

(5) In this, section,—

(a) “premises” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise;

(c) “vessel” means any mechanically propelled driven vessel ordinarily plying in inland waters.

12B. *Payment of compensation.*— (1) Whenever in pursuance of section 12A the State Government requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within a period of thirty days from the date of receipt of the order of payment of compensation to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the Government for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.— In this sub-section, the expression “person interested” means the person who was in actual possession of the premises requisitioned under section 12A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 12A the State Government requisitions any vehicle or vessel, there shall be paid to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of fares or rates prevailing in the locality for the hire of such vehicle or vessel:

Provided that where the owner of such vehicle or vessel being aggrieved by the

amount of compensation so determined makes an application within a period of thirty days from the date of receipt of the order of payment of compensation to the State Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where immediately before requisitioning, the vehicle or vessel was by virtue of a hire-purchase agreement is in possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

12C. *Prohibition of public meetings during poll.*— The provisions of section 126 of the Representation of People Act, 1951 (Central Act No. 43 of 1951) shall *mutatis mutandis* apply for elections under this Act.”.

6. *Amendment of section 15.*— In section 15 of the principal Act, in clause (c), for the expression “section 153A, or sub-section (2) or (3) of section 505, of the Indian Penal Code”, the expression “section 196, or sub-section (2) or (3) of section 353, of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023)” shall be substituted.

7. *Insertion of new section 59A.*— After section 59 of the principal Act, the following section shall be inserted, namely:—

“59A. *Preparation of development plan.*— Corporation shall prepare by 31st day of January of every year a development plan and submit it to the District Planning Committee constituted under section 239 of the Goa Panchayat Raj Act, 1994 (Act No. 14 of 1994).”.

8. *Amendment of section 219.*— In section 219 of the principal Act, in the proviso, for the expression “Indian Explosives Act, 1884”, the expression “Explosives Act, 1884 (Act No. 4 of 1884)” shall be substituted.

9. *Amendment of section 281.*— In section 281 of the principal Act, in sub-section (3), for the expression “Indian Railways Act, 1890, or the Indian Electricity Act, 1910”, the expression “Railways Act, 1989 (Central Act No. 24 of 1989) or the Electricity Act, 2003 (Central Act No. 36 of 2003)” shall be substituted.

10. *Amendment of section 293.*— In section 293 of the principal Act, in sub-section (5), for the expression “Indian Limitation Act, 1963,” the expression “Limitation Act, 1963 (Central Act No. 36 of 1963)” shall be substituted.

11. *Amendment of section 294.*— In section 294 of the principal Act, in sub-section (4), for the expression “Indian Limitation Act, 1963 (Central Act No. 36 of 1963)”, the expression “Limitation Act, 1963” shall be substituted.

12. *Amendment of section 321.*— In section 321 of the principal Act, for the expression “section 109 of the Code of Criminal Procedure, 1973”, the expression “section 128 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023)” shall be substituted.

13. *Amendment of section 350.*— In section 350 of the principal Act, for the expression “Indian Limitation Act, 1963”, the expression “Limitation Act, 1963 (Central Act No. 36 of 1963)” shall be substituted.

14. *Amendment of section 351.*— In section 351 of the principal Act, in sub-section (2), for the expression “the Code of Criminal Procedure, 1973”, the expression “the Bharatiya Nagrik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023)” shall be substituted.

15. *Amendment of section 365.*— In section 365 of the principal Act, for the expression “within the meaning of section 21 of the Indian Penal Code, 1860”, the expression “as defined in clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023)” shall be substituted.

Statement of Objects and Reasons

The Bill proposes to widen the definition of the term “building” in clause (8) of section 5 of the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003), in tune with the same as existing in the Goa Municipalities Act, 1968.

The Bill also proposes to amend section 9 of the said Act so as to bestow powers of the delimitation of wards of city to the State Election Commission.

The Bill also proposes to amend section 10 of the said Act so as to provide for notification of ward reservations in the Official Gazette.

The Bill also proposes to insert sections 12 A, 12 B and 12 C to the said Act as to provide requisition of any premises or vehicle for the purpose of conducting elections and to make provision similar to in section 126 of the Representation of the People Act, 1951.

The Bill also proposes to insert section 59A in the said Act as the Hon'ble High Court of Bombay at Goa in PIL Writ Petition No. 6 of 2018 decided on 12-2-2020 between the United Goans Foundation vs. the State of Goa and Others had instructed the Director of Panchayats, the State Government, and the Director of Municipal Administration to issue necessary directions to the Panchayats, Zilla Panchayats and Municipal Councils to set up a time limit for submitting their development plans. Since no such provision exists in the said Act, this amendment is proposed.

In view of repeal of the Indian Penal Code 1860 (Central Act No. 45 of 1860), the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) and the enforcement of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023) and Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023), the Bill proposes to amend sections 15, 321, 351 and 365 of the said Act, suitably.

This Bill seeks to achieve the above objects.

Financial Memorandum

Presently there are no financial implications. However, as and when compensation to the requisitioned premises, vehicles or vessels arises, there will be financial implications on that account, which cannot be quantified at this stage.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa. (VISHWAJIT P. RANE)
1st August, 2024. Minister for Urban
Development.

Assembly Hall, (NAMRATA ULMAN)
Porvorim-Goa. Secretary to the Legislative
1st August, 2024. Assembly of Goa.

ANNEXURE

Extract of The City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003)

5. *Definitions.*— In this Act, unless there is anything repugnant to the subject or context:— (1) “Administrator” means an Administrator appointed by the State Government under Section 380 of this Act, to exercise the powers and to perform the duties of the Corporation and its authorities;

(2) “Assembly constituency” means constituency provided by law for the purpose of elections to the Goa Legislative Assembly, or any part thereof, which is for the time being comprised in the City;

(3) “Assembly roll” means the electoral roll prepared for any Assembly Constituency in accordance with the provisions of the Representation of the People Act, 1950;

(4) “assessment list” means any municipal assessment register prescribed by section 122 of this Act and includes any register subsidiary thereto;

(5) "authorized" means authorized by the Corporation either generally or specially;

(6) "bakery" means any place in which bread or confectionery including biscuits is baked, cooked or prepared in any manner whatsoever for purposes of profit or sale;

(7) "budget grant" means a sum entered on the expenditure side of a budget estimate which has been finally adopted by the Corporation, and includes any sum by which such budget grant may at any time be increased under sections 88, 89 or 90 of this Act;

(8) "building" includes a house, outhouse, stable, hut, shed or other enclosure, whether used as a human dwelling or otherwise and shall include also verandahs, fixed platforms, plinths, door-steps, walls and the like;

(9) "building line" means a line beyond which the outer face or any part of an external wall of a building should not project in the direction of any street existing or proposed;

(10) "The Commissioner" means the Municipal Commissioner for the City appointed under section 48 and includes an acting Commissioner appointed under the Act and any municipal officer empowered under this Act to exercise, perform or discharge any of the powers, duties or functions of the Commissioner to the extent to which such officer is so empowered;

(11) "City of Panaji" or "the City" means the large urban area specified in the notification issued in this respect under clause (2) of Article 243 Q of the Constitution of India, known by the name of the City of Panaji;

(12) "Closet accommodation" means a receptacle for human excreta, together with the structure comprising such receptacle and the fitting and apparatus connected therewith;

(13) "the Corporation" or "Corporation Area" means the Municipal Corporation of the City of Panaji constituted or deemed to be constituted under this Act;

(14) "Councillor" means any person who is duly continued under this Act or elected as a member of the Corporation under this Act; and includes, a nominated Councillor who shall not have the right:-

(i) To vote at any meeting of the Corporation and committees of the Corporation; and

(ii) To get elected as a Mayor or a Deputy Mayor of the Corporation or a chairperson of any of the Committees of the Corporation;

(15) "dangerous diseases" means cholera, plague, tuberculosis, diphtheria, malaria, and any disease which the Corporation or the State Government may, by public notice, declare to be a dangerous disease for the purpose of this Act;

(16) "District Court" means the District Court, constituted for the North Goa district;

(17) "drain" includes a sewer, tunnel, pipe, ditch, gutter or channel, and any cistern, flush, tank, septic tank, or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, drain water or sub-soil water and any culvert, ventilation, shaft or pipe or other appliance or fitting connected therewith, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(18) "drug" means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use;

(19) "eating-house" means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owing or having an interest in or managing such premises;

(20) the expression "erect or re-erect any building" with its grammatical variations and cognate expressions includes:

(a) any material alteration or enlargement of any building;

(b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

(c) the conversion by structural alteration of one or more places of human habitation into a greater number of such places;

(d) the conversion by structural alteration of two or more places of human habitation into a lesser number of such places;

(e) such alteration of the internal arrangement of a building as effects a change in its drainage or sanitary arrangements or affects its stability;

(f) the addition of any rooms, buildings, out-houses or other structure to a building;

(g) the reconstruction of the whole or any part of the external walls of a building or the renewal of the posts of wooden buildings;

(h) any change over ground or in land;

(21) the expression "essential officer or servant" means every person employed in the municipal corporation in a service declared to be essential by the Commissioner;

(22) "factory" has the meaning assigned to it under the Factories Act, 1948;

(23) "Finance Commission" means the Finance Commission constituted in accordance with the provisions of Article 243-I of the Constitution of India;

(24) "food" includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enter into or is used in the composition or preparation of human food; and also includes confectionery, flavouring and colouring matters and spices and condiments;

(25) "keeper" means the person in charge of a lodging-house, and may include the owner for the purposes of any rules or bye-laws made under this Act;

(26) "land" includes land which is being built upon or is built upon or covered with water;

(27) "licensed plumber", "licensed surveyor" and "licensed architect" mean, respectively, a person licensed by the Corporation as a plumber or surveyor or architect under this Act;

(28) "lodging — house" means a building or part of a building which is let for lodgings;

(29) "market" includes any place within the City where persons assemble for the sale of meat, fish, fruit, vegetables, live-stock or any other article of food; or commodity and is declared to be so by the Commissioner;

(30) "municipal drain" means a drain vested in the Corporation;

(31) "municipal market" means a market vested in or managed by the Corporation;

(32) "municipal slaughter-house" means a slaughter-house vested in or managed by the Corporation;

(33) "municipal tax" means any impost levied by the Corporation under the provisions of this Act;

(34) "municipal water-works" means a water-work vested in or managed by the Corporation;

(35) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property;

(36) "occupier" includes any person for the time being paying, or liable to pay, to the owner the rent, fees or compensation or any portion of the rent, fees or compensation of the land or building in respect of which the word is used or damages on account of the occupation of such land or building, and also an owner living in, or other-wise using, his own land or building and a rent-free tenant or a person declared to be a Mundkar under the Goa, Daman & Diu Mundkars (Protection from Eviction) Act, 1976;

(37) "offensive matter" includes animal carcasses, dung, dirt, putrid or putrefying substances, and filth of any kind which is not included in "sewage" as defined in this section;

(38) "Other Backward Classes" means such classes or parts of or groups within such classes as are declared, from time to time, by the State Government to be Other Backward Classes (excluding creamy layer).

(39) "owner" when used with reference to any land or building includes the person for the time being receiving the rent of the land or building or of any part of the land or building whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or as a receiver who would receive such rent if the land, building or part thereof were let to a tenant;

(40) "population" means the population as ascertained at the last preceding Census of which the relevant figures have been published;

(41) "prescribed" means prescribed by rules or bye-laws made under this Act;

(42) "public analyst" means any person to be appointed by the Corporation to perform the duties and to exercise the power of a public analyst prescribed under this Act;

(43) "public place" includes any public park or garden, or any ground to which the public have or are permitted to have access;

(44) the expression "public securities" means Government securities and any securities guaranteed by Government, securities issued by the Corporation and any other securities which the State Government may declare to be public securities for the purposes of this Act;

(45) "public street" means any street—

(a) heretofore levelled, paved, metalled, channelled sewerred or repaired out of municipal or other public funds; or

(b) which under the provisions of section 294 is declared to be, or under any other provision of this Act becomes, a public street; and includes

(i) the roadway over any public bridge or causeway,

(ii) the footway attached to any such street,

(iii) public bridge or causeway, and the drains attached to any such street, public bridge or causeway;

(46) "registered trade union" means a trade union registered under the Indian Trade Unions Act, 1926;

(47) (a) a person shall be deemed to "reside" in any dwelling-house or hut which, or some portion of which, he sometimes, although not uninterruptedly, uses as a sleeping apartment; and

(b) a person shall not be deemed to cease to "reside" in any such dwelling-house or hut merely because he is absent from it or has elsewhere another dwelling-house or hut in which he resides, if there is the liberty of returning to it at any time and no abandonment or the intention of returning to it;

(48) "rubbish" includes dust, ashes, broken bricks, mortar, glass, garden or stable refuse or refuse of any kind which is not "offensive matter" or "sewage" as defined in this section;

(49) "sewage" means night-soil and other contents of water-closets, latrines, privies, urinals, cesspools, or drains and polluted water from sinks, bath-rooms, stables, cattlesheds and other like places, and includes trade effluents and discharges from manufactories of all kinds;

(50) "sewage connection" includes any drain set up by the Corporation or the State Government connecting any watery closets, latrines, privy, urinals, bath-room, sink, manhole or tap with any drain set apart by the Corporation for sewage and other offensive matter;

(51) "State Election Commission" means the State Election Commission consisting of the State Election Commissioner appointed in accordance with the provisions of clause (I) of Article 243-K of the Constitution of India;

(52) "street" means any road, land, gully, alley, passage, pathway, square or Court whether a thoroughfare or not, which is accessible to the public whether permanently or temporarily; and includes every vacant space, notwithstanding that it may be private property and obstructed wholly or partly by any gate, post, chain or other barrier, if houses, shops, or other buildings abut thereon and if it is used by any persons whether occupiers of such buildings or not, as a means of access to or from any public place or thoroughfare but shall not include any part of such vacant space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid;

(53) "street line" means a line dividing the land comprised in and forming part of a street from the adjoining land;

(54) "traffic sign" includes all signals, warnings signposts, direction posts, signs or other devices, erected by any person or authority authorized by law to do so, for the information, guidance or direction of persons using roads or of wheeled and other traffic;

(55) "vehicle" means a wheeled conveyance capable of being used on the street;

(56) "Wards Committees" means the Wards Committees constituted under section 41;

(57) "water-closet" means closet accommodation used or adapted or intended to be used in connection with Government or municipal water works and comprising provisions for the flushing of the receptacle by means of a water-supply and having connection with a sewer;

(58) "water connection" includes

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on private property and connected with a water-main or pipe belonging to the Corporation or Government;

(b) the water-pipe connecting such tank, cistern, hydrant, stand pipe, meter or tap with such water-main or pipe;

(59) "water for domestic purposes" shall not include water for cattle, or for washing vehicles where the cattle or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental or commercial purposes;

(60) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice main-pipe, culvert, engine and anything for supplying or used for supplying water;

(61) "workshop" means any building, place or premises, or any part thereof, not being a factory, to or over which the employer of the persons working therein has the right of access or control, and in which, or within the compound or precincts of which, any manual labour is employed or utilized in aid of or incidental to any process, operation or manufacturing for the following purposes:—

- (i) the making of any article or part thereof; or
- (ii) the altering, repairing, ornamenting or finishing of any article; or
- (iii) the adapting for sale of any article.

9. Constitution of Corporation and division of City into wards.— (1) The Corporation shall consist of:—

- (a) Thirty Councillors directly elected at ward elections;
- (b) Five nominated Councillors having special knowledge or experience in municipal administration, engineering, architecture, archaeology, heritage, etc., nominated by the State Government by a notification.

(2) The "Director of Municipal Administration" with the approval of the State Government shall, from time to time by notification in the Official Gazette, specify for the City the number and boundaries of the wards into which the City shall be divided for the purpose of the ward election of Councillors, and the number of Councillors to be elected for each ward:

Provided that, the provisions made under sub-section (1) or notification issued under sub-section (2) shall not have effect until the expiry of the duration of the existing term of the Corporation.

10. *Reservation of seats.*— (1) In the seats to be filled in by election in the Corporation there shall be seats reserved for persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and women, as may be determined by the State Election Commissioner, in consultation with the Government;

(2) The seats to be reserved for the persons belonging to the Scheduled Castes and the

Scheduled Tribes in the Corporation shall bear, as nearly may be, the same proportion to the total number of seats to be filled in by direct election in the Corporation as the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes, in the Corporation area bears the total population of that area and such seats shall be allotted by rotation to different wards in the Corporation:

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes:

Provided further that, where only one seat is reserved for Scheduled Castes, or, as the case may be the Scheduled Tribes, then no seats shall be reserved for women belonging to the Scheduled Caste, or as the case may be the Scheduled Tribes and where only 2 seats are reserved for the Scheduled Caste or, as the case may be, the Scheduled Tribes, one of the 2 seats shall be reserved for women belonging to the Scheduled Caste, or as the case may be, the Scheduled Tribes.

(3) The seats to be reserved for persons belonging to the category of Other Backward Classes shall be twenty seven per cent of the number of seats to be filled in by election in the Corporation and such seats shall be allotted by rotation to different wards in the Corporation:

Provided that, one-third of the total number of seats so reserved shall be reserved for women belonging to the category of Other Backward Classes.

(4) One-third (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Other Backward Class) of the total number of seats to be filled in by direct election in the Corporation shall be reserved for women and such seats shall be allotted by rotation to different wards in the Corporation.

(5) The reservation of seats (other than the reservation for women) under sub-section (2) shall cease to have effect on the expiration of period specified in Article 334 of the Constitution of India.

12. *Power of State Election Commissioner to issue directions to prevent impersonation.*— The State Election Commissioner may, with a view to prevent impersonation of electors at the time of election, issue such directions, as he thinks fit, to the presiding officers and such directions may include instructing the electors to produce, at the time of polling, the photo identity cards issued to them under the provisions of the Representation of the Peoples Act, 1951.

15. *Disqualifications of candidates.*— No person shall be eligible for election, as a Councillor if he—

(a) is not a citizen of India; or

(b) has been adjudged by a competent Court to be of unsound mind; or

(c) has, at any time, been convicted of an offence punishable under section 153A, or sub-section (2) or (3) of section 505, of the Indian Penal Code:

Provided that, such disqualification shall be for a period of six years from the date of such conviction; or

(d) has been convicted by a Court in India of any offence involving moral, turpitude, unless a period of six years has elapsed since the date of such conviction; or

(e) has been dismissed from the service of the Government for misconduct and has been declared to be disqualified for employment in the public service; or

(f) has been dismissed for misconduct from the service of any municipal Corporation, municipal committee, notified area of committee, district council or local board and has been declared by the State Government to be disqualified for employment in the public service; or

(g) has been so disqualified by or under any law,—

(i) for the time being in force for the purposes of elections to the Legislature of the State:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(ii) made by the Legislature of the State of "Goa".

(h) holds any salaried office under or place of profit of the Corporation or any other local authority, while holding such office or place; or

(i) has directly or indirectly any share or interest in any contract with, by or on behalf of the Corporation while owning such share or interest:

Provided that a disqualification under clause (e), (f), or (i) may be removed by an order of the State Government in this behalf.

Explanation:— A person shall not, by reason of being a share holder in or a member of any incorporate or registered company, be deemed to be interested in any contract entered into between the company and the Corporation.

(j) interferes or in any way acts prejudicial to the interest of the Corporation or the State Government, including by making attempts to stall or in any way obstruct the performance of duties, functions or powers exercised by any officials of the Corporation or the State Government, including acts of demolition of illegal structures.

59. *Matters to be provided for by Corporation.*—
(1) The Corporation shall make adequate provision by any means or measures which it may lawfully use or take, for each of the following matters, namely:—

(a) lighting public streets, places and buildings;

(b) planning for economic and social development;

(c) urban forestry, protection of environment and promotion of ecological aspects;

(d) cleaning public streets, places, and sewers and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Corporation or not; removing noxious vegetation; and abating all public nuisances;

(e) disposing of night-soil and rubbish and, if so required by the State Government, preparation of compost manure, from night-soil and rubbish;

(f) complying with the provisions of the Coastal Regulation Zone, Management Plan and the laws, rules and regulations concerning or dealing with environment protection and noise pollution;

(g) regulating or abating dangerous or offensive trades or practices;

(h) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Corporation or in the Government;

- (i) establishing and managing cattle-pounds;
- (j) securing or removing dangerous buildings or places;
- (k) acquiring and maintaining, changing and regulating places for the disposal of the dead and disposing of unclaimed dead bodies of paupers;
- (l) constructing, altering and maintaining public streets, culverts and Corporation boundary marks, latrines, urinals, drains, sewers and providing public facilities for drinking water; watering public streets and places;
- (m) the management and maintenance, of all municipal water-works and the construction and maintenance of new works and means for providing a sufficient supply of suitable water for public and private purposes;
- (n) the erection in proper and convenient situations on municipal land of water closets, closet accommodation, urinals and other conveniences for the public and the maintenance and the cleansing of the same;
- (o) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses;
- (p) establishing and maintaining public hospitals and dispensaries and carrying out other means necessary for public medical relief;
- (q) the maintenance of an ambulance service;
- (r) naming streets and numbering houses;
- (t) registering births and deaths;
- (u) public vaccination;
- (v) prevention of vagrancy; establishing and maintaining poor-houses;
- (w) taking measures to prevent the outbreak, spread or recurrence of infectious diseases;
- (x) the maintenance of a municipal office and of all public monuments and other property vested in the Corporation;
- (y) provision of traffic signs;
- (z) printing and publishing such annual reports and returns on the administration of the Corporation as the State Government may, by general or special order, require the Corporation to submit;

(z-1) the maintenance of public parks, gardens, recreation grounds, public places and open spaces in existence and vested in the Corporation;

(z-2) fulfilling any obligation imposed by this Act or any other law for the time being in force;

(z-3) establishing and maintaining a farm or factory for the disposal of sewage;

(z-4) any directions issued by the State Government or the Collector of the district:

Provided however, the State Government may by a notification or in matters provided for hereunder or other laws vest or continue to vest such functions, duties and obligations in such other authorities or departments of the State Government and in such matters, corporation shall ensure by taking appropriate measures to act in aid of such authorities or departments of the State Government.

(2) No suit for damages or for specific performance shall be maintainable against the Corporation or any officer or Councillor thereof, on the ground that any of the duties specified in sub-section (1) have not been performed.

219. *Regulation of dangerous and offensive trade.*— Except in accordance with the provision of this act, no person shall—

(a) store or keep in any premises any articles mentioned in any bye-laws made under this Act as dangerous or offensive, or as being, or likely to be a nuisance to the public or dangerous to life, health or property;

(b) store or keep in any premises the hide or any part of the carcass of any animal afflicted at the time of its death with infectious or contagious disease; or

(c) carry on or allowed to be carried on in any premises any trade, manufacture, industry or operation mentioned in any rules under this Act as dangerous to life, health or property or as likely to create a nuisance, either from its nature or by reasons of the manner in which or the conditions under which the same may be carried on;

Provided that nothing in this section shall affect the provisions of the Indian Explosives Act, 1884, or the Petroleum Act, 1934.

281. *Laying railway, skybus or electrical telephone poles.*— (1) Without the previous permission in writing of the Commissioner no person shall lay on, under or above any public street any railway or skybus or erect or lay any poles or cables or the like, or operate the same.

(2) The Commissioner shall give such permission in accordance with any general or special rules which may be made by the State Government after considering any representation made by the Corporation.

(3) Nothing in this section shall be deemed to affect any provision of the Indian Telegraph Act, 1885, the Indian Railways Act, 1890, or the Indian Electricity Act, 1910.

293. *Levelling, metalling, parking, etc., on streets.*— (1) If any street be not levelled, paved, lighted, sewered, drained, channelled or flagged to the satisfaction of the Commissioner he may, by a written notice, require the owner or owners of the street and the owners of the several premises fronting or adjoining the said street or abutting thereon, or to which access is obtained through such street, or which will benefit by works executed under this section, to contribute in such proportions as he may direct to the cost of levelling, metalling, tarring or asphaltting, paving, lighting, sewerage, draining, channelling or flagging the same. (2) The notice shall show:—

(a) the nature of the intended works;

(b) the estimated expenses thereof including five percent for contingencies; and

(c) the proportion of the expenses payable by each owner.

(3) Any person dissatisfied with the notice of the Commissioner calling upon him to contribute towards the cost may Appeal to the District Court, North Goa at Panaji.

(4) Every such appeal shall be presented within thirty days from the date of the receipt of the notice issued under sub-section (1) and shall be accompanied by a copy of the said notice.

(5) The provisions of the Indian Limitation Act, 1963, relating to appeals shall apply to every appeal preferred under this section.

(6) On recovery of the full amount of the estimated expenses, the Commissioner shall carry out the work with all convenient speed.

(7) Any expenditure involved over and above the amount so recovered shall be met from the municipal fund; but if the actual cost of the work as finally completed is less than the estimated cost, the surplus shall be refunded to the contributors proportionately to their contributions in all cases where a refund would amount to not less than fifty rupees.

(8) If no appeal is preferred under sub-section (3) within the period specified in sub-section (4), or, if an appeal is preferred and no effect is given to the decision of the District Court affirming the order of the Commissioner, the Commissioner may execute the work mentioned in the notice referred to in sub-section (1) and may recover the expenses incurred in so doing from the owners in default in the proportion specified in the said notice.

(9) The Commissioner may, in consultation with the Police, from time to time, earmark such places as he thinks fit to be the parking or halting places or lots for vehicles on any part of a public street or public place.

(10) The Commissioner may, charge such fees or charges from any person for use of such place or lot by him for parking or halting a vehicle for each day or part thereof subject to such terms and conditions as the Commissioner may think fit, with the approval of the Corporation.

294. *Power to declare streets when metalled, etc., public streets.*— (1) When any street has had been levelled, metalled, tarred or asphalted, paved, made good, lighted, drained, channelled and flagged to the satisfaction of the Commissioner, he shall, if so required by the persons liable for the greater part of the expenditure on such street, by notice put up in any part of such street, declare the same to be a public street. The said street shall thereupon become a public street.

(2) The Commissioner may, at any time, by a notice exhibited in any street or part of a street not maintained by the Corporation, give intimation of his intention to declare the same a public street and, unless within one month next after such notice is first exhibited the owner of the majority of owners of such street or such part of street, lodges or lodge objections thereto with the Corporation, the Commissioner may, by a notice exhibited in such street or part, declare the same to be a public street vested in the Corporation.

(3) Any person aggrieved by a notice under sub-section (2) may appeal within thirty days from the date the notice is first exhibited, to the District Court of North Goa at Panaji, which shall give a reasonable opportunity of being heard to the appellant and the Corporation.

(4) The provisions of the Indian Limitation Act, 1963, relating to appeals shall apply to every appeal preferred under this section.

321. *Importing beggar.*— Whenever the Commissioner receives information that any person within the limits of the City lives wholly or in part on the proceeds of the begging of others, he may, in writing inform a Magistrate, who shall deal with such person as if the information received about him was of the description mentioned in section 109 of the Code of Criminal Procedure, 1973, and for the purposes of any proceedings under this section the fact that a person lives as aforesaid may be proved by evidence of general repute or otherwise.

350. *Limitation of time.*— Where no time is prescribed by this Act for the presentation of an application or appeal, such application or appeal shall be presented, subject to the provisions of section 5 of the Indian Limitation Act, 1963, within thirty days after the date of the order on respect of or against which the application or appeal is made:

Provided that if the application is an application for revision to the High Court, the period of limitation shall be ninety days.

351. *Procedure in prosecution.*— (1) No Court shall take cognizance of any offence under this Act or under any rule or bye-law made thereunder except on a complaint signed by the Commissioner, or by the officer in charge of a police station authorized by the Commissioner in his behalf either generally in regard to all such offences or particularly in regard only to specific offences or offences of a special class.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, it shall not be necessary in respect of any offence punishable under this Act to examine the complainant when the complaint is presented in writing.

365. *Councillors and Municipal Officers, etc., to be deemed public servants.*— Every officer or servant in the employment of the Corporation whether for the whole or part of his time, and every Councillor of the Corporation shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 and for the purposes of the Prevention of Corruption Act.

LA/LEGN/2024/1400

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 2nd August, 2024 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Staff Selection Commission
(Second Amendment) Bill, 2024

(Bill No. 34 of 2024)

A

BILL

further to amend the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019).

BE it enacted by the Legislative Assembly of Goa in the Seventy-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Staff Selection Commission (Second Amendment) Act, 2024.

(2) It shall come into force at once.

2. *Amendment of section 7.*— In section 7 of the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019), in sub-section (8), for the existing proviso, the following proviso shall be substituted, namely:—

“Provided that where advertisements for filling up of the sub-ordinate services/posts

were issued prior to the 8th day of January, 2022, the concerned Department may conduct examination and complete the selection process of such sub-ordinate services/posts not later than 31st day of October, 2024.”.

Statement of Objects and Reasons

The Bill seeks to amend section 7 of the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019) so as to further extend the time limit upto 31st day of October, 2024 for the Departments to complete the process of conduct of the examination and selection for filling up of the posts where advertisements were issued prior to 8th day of January, 2022, but the process of conducting examination and selection for filling up of the posts has not been completed.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall,
Porvorim-Goa. DR. PRAMOD SAWANT
2nd August, 2024. Hon.Chief Minister, Goa.

Assembly Hall,
Porvorim-Goa. NAMRATA ULMAN
2nd August, 2024. Secretary (Legislature).

ANNEXURE

Extract of the Section 7 of the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019)

Amendment of section 7.— In Section 7 of the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) Notwithstanding anything contained in this section, the Government Departments may, after obtaining prior approval from the Department of Personnel of the Government, conduct examinations for selecting candidates for appointment to sub-ordinate services/posts for a period of one year from the date of commencement of the Goa Staff Selection Commission (Amendment) Act, 2021.”.

Assembly Hall,
Porvorim-Goa.
2nd August, 2024.

NAMRATA ULMAN
Secretary (Legislature).

LA/LEGN/2024/1401

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 5th August, 2024 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Erection of Shacks on Public Beaches (Regulation and Control)

Bill, 2024

(Bill No. 33 of 2024)

A

BILL

to provide for special regulation and control of temporary and seasonal structures permitted under Coastal Regulation Zone Notification and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of Goa in the Seventy-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Erection of Shacks on Public Beaches (Regulation and Control) Act, 2024.

(2) It shall extend to the whole of the State of Goa.

(3) It shall be deemed to have come into force on the 15th day of March, 2024.

2. *Definitions.*— (1) In this Act, unless the context otherwise requires:—

(a) “Allottee” means any individual, permitted by Goa Coastal Zone Management Authority to erect temporary and seasonal structures permitted under CRZ Notification;

(b) “Beach Site” means a place of defined dimensions, demarcated on the site plan and indicated in the License, issued by the Department of Tourism.

(c) “Beach Shack” means a purely temporary structure of such material, size and design and for such activities on the public beach as the Government may, by notification in the Official Gazette or the Goa Shack Policy, specify;

(d) “Central Legislation” means all acts, ordinances, notifications and rules, enacted by the Parliament;

(e) “Director” means the Director of Tourism appointed by the Government of Goa; or his delegate;

(f) “Government” means the Government of Goa;

(g) “Goa Shack Policy” means a policy, notified by the Government of Goa, laying down the terms and conditions for erection of temporary seasonal structures, beach shacks/deck-beds/umbrellas/huts and other structures on stretches of public beaches;

(h) “Temporary and seasonal structures” shall mean any structure permitted by the Goa Coastal Zone Management Authority under the Coastal Regulation Zone Notification;

(i) “Tourist Season” means the tourist season commencing from 15th of September and ending on 31st of May of every calendar year or such other period which may be specified by the Government in the Goa Shack Policy.

(2) The words and expressions used but not defined in this Ordinance, shall have the meanings assigned to them in The Goa Registration of Tourist Trade Act, 1982 (Series I No. 36 of 1982), the Goa Fire Force Act, 1986 (Series I No. 31 of 1986), the Goa Shops and Establishments Act, 1973 (Series I No. 31 of 1973), and the Goa State Shack Policy 2023-26 (Series I No. 29 of 2023), as may be amended/notified by the Government of Goa, from time to time.

CHAPTER II

Application and Operational Regulations

3. *Application of the Act.*— This Act shall apply to such beach shacks which are erected on public beaches under the Goa Shack Policy and all other temporary structure permitted by the Goa Coastal Zone Management Authority in terms of the Coastal Regulation Zone Notification on public or private properties.

4. *Licensing of Shacks and Temporary and Seasonal Structures.*— (1) Notwithstanding anything contained in The Goa Town and Country Planning Act, 1974 (Series I No. 34 of 1974), the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Series I No. 5 of 2008), the Goa Panchayat Raj Act No. 14 of 1994, or any other State law for the time being in force, or order, judgment or decree of the Court, the erection and operation of the beach shacks on the beach site under the Goa Shack Policy and the temporary and seasonal structures permitted by the Goa Coastal Zone Management Authority shall not require any

construction license or a technical clearance under any of the foregoing statutes but shall obtain following permissions;

(a) A permission to erect a temporary and seasonal structure from the Director of Tourism.

(b) No Objection Certificate from the Village Panchayat or Municipality or City Corporation of Panaji, within whose jurisdiction the shack or temporary and seasonal structure is being erected.

(c) Trade License issued by the Village Panchayat or Municipality or City Corporation of Panaji, within whose jurisdiction the shack is being erected.

(d) No Objection Certificate issued by the concerned Health Officer within whose jurisdiction the shack, temporary and seasonal structure is being erected.

(e) No Objection Certificate or a certificate certifying the compliance with the Goa, Daman and Diu Fire Force Act, 1986 (Series I No. 31 of 1986) issued by the Directorate of Fire and Emergency Services.

(f) Excise license issued by the Goa Excise Duty Act, 1964 (No. 5 of 1964).

5. *Application for grant of permission before the Director of Tourism.*— Notwithstanding anything contained in the Goa Town and Country Planning Act, 1974 (Series I No. 34 of 1974), the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Series I No. 5 of 2008), the Goa Panchayat Raj Act, 1994, No. 14 of 1994 or any other State law for the time being in force, or order, judgment or decree of the Court, the Director of Tourism shall while granting permission under clause (a) of sub-section (1) of Section 4 above shall ensure the following requirements:

(i) For temporary and seasonal structure other than the beach shacks permitted by Tourism Department, coverage of a plot shall not exceed 33 per cent of the total plot area.

(ii) the structure must have access of at least 3 meters.

(iii) the height of such temporary structure should not exceed 9 meters.

(iv) a minimum setback of 1 meter is maintained from the boundary of the plot on all sides:

Provided, that the requirement of the setback may be dispensed with on the side where there is either a compound wall or a dead wall or where the adjoining plot belongs to the allottee have 3 mts. setback on such side.

6. *Permissions under the Central Legislations.*— Notwithstanding anything contained in Section 4, all the permissions, consents or licenses as may be required to be obtained, for the purpose of erection or operation of a beach shack under provisions of any Central Legislation shall be mandatorily obtained by the allottee for each tourist season, before commencement of operation.

7. *Condition Precedent.*— (1) No allottee of a beach shack or a temporary and seasonal structure shall commence the operations or cause to operate the beach shack in whatsoever manner, unless all the permissions, and/or licenses, as specified under Section 4 or Section 5, are obtained and all the terms and conditions contained therein are satisfied and certified as such by the Director under sub-section (2).

(2) The Director or his delegate, upon being intimated by the allottee in writing, shall within a period of 15 days from the date of such intimation, issue a certificate, recording therein his satisfaction that the conditions required to be fulfilled by the allottee under the shack policy, and/or the conditions contained in any of the licenses or permissions specified in Section 4, are complied with and fulfilled:

Provided, that no allottee shall commence operation of the beach shack or temporary and seasonal structure unless he, has obtained the permissions, consents or licenses in terms of section 5.

CHAPTER III

Dismantling of Shack and Penalty for violation

8. *Dismantling of Shack.*— The allottee of a beach shack, permitted to operate the shack under the Goa Shack Policy and in terms of the provisions of this Act, shall dismantle such beach shack and restore the beach site to its original condition, on or before 10th of June of each year, failing which the Village Panchayat or the Municipality or City Corporation of Panaji, whomsoever concerned, shall cause to remove such shack at the cost of the allottee within a period of one week thereafter by exercising powers under Section 6 of the Goa Tourist Places (Protection and Maintenance) Act, 2001:

Provided that, for each day's delay in dismantling the shack beyond 10th of June of each year, the allottee shall be liable to pay fine at the rate of Rs. 5,000/- per day, to the Department of Tourism, till such period the shack is dismantled and the beach site is restored to its original position either by the allottee or by the Village Panchayat or the Municipality or City Corporation of Panaji.

9. *Penalty.*— (1) Subject to the provisions of this Act, the allottee shall not cause any nuisance, pollution or breach of any law or any condition imposed by law, in the process of erection and operation of the beach shack.

(2) Any breach of sub-section (1) by an allottee shall, notwithstanding any action that is contemplated/initiated against the allottee under the respective statute, also make the allottee liable to pay a fine, which may extend to Rs. 3,00,000/-.

CHAPTER IV

Miscellaneous

10. *Powers and functions.*— The Director or his delegate shall be the competent authority to enforce the provisions of this Act, including imposition of penalties, compensation, etc. as payable under this Act.

11. *Effect of other State laws.*— Notwithstanding anything contained in any other

State legislation, when the allottee has obtained all permissions referred to in Sections 4 and 5 and has been issued a certificate in terms of Section 6, the erection or operation of the beach shack shall be deemed to be validly undertaken or carried out, even if any other permissions contemplated under any other State legislation has not been obtained.

12. *Removal of Difficulties.*— Subject to the provisions of this Act, all other terms and condition contained in the Goa Shack Policy, as notified by the Government from time to time, shall apply and shall be binding on all persons desiring to erect and operate a beach shack on public beaches.

13. *Repeal and Saving.*— (1) The Goa Erection of Shacks on Public Beaches (Regulation and Control) Ordinance, 2024 (Ordinance No. 3 of 2024) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

Statement of Objects and Reasons

1. The Goa Erection of Shacks on Public Beaches (Regulation and Control) Bill, 2024 aims to establish specific regulations for the erection and management of temporary and seasonal structures on public beaches, as permitted under the Coastal Regulation Zone Notification. Currently, there are no dedicated statutes governing the erection, regulation, or management of such structures in compliance with the Coastal Regulation Zone Notification.

2. The Bill applies to beach shacks permitted by the Department of Tourism and erected on public beaches under the Goa Shack Policy, as well as other temporary structures permitted by the Goa Coastal Zone Management Authority on public or private properties in accordance with the Coastal Regulation Zone Notification.

3. The permissions required under this Bill include:

a) Permission to erect a temporary and seasonal structure from the Director of Tourism.

b) No Objection Certificate from the Village Panchayat, Municipality, or City Corporation of Panaji.

c) Trade license issued by the Village Panchayat, Municipality, or City Corporation of Panaji.

d) No Objection Certificate issued by the concerned Health Officer.

e) No Objection Certificate or a certificate certifying compliance with the Goa, Daman and Diu Fire Force Act, 1986, issued by the Directorate of Fire and Emergency Services.

f) Excise license issued under the Goa Excise Duty Act, 1964.

4. The Bill also provides for permissions for temporary and seasonal structures other than those permitted by the Tourism Department. Furthermore, the Bill mandates that all permissions, consents, or licenses required for the erection or operation of a beach shack under provisions of any Central Legislation must be obtained by the allottee for each tourist season.

5. The dismantling of beach shacks is facilitated to restore beach sites to their original conditions on or before the 10th of June each year. Additionally, penalties will be imposed for each day beyond this deadline where dismantling is not carried out.

6. Once the allottee has obtained all permissions as specified in the ordinance, the erection or operation of the beach shack shall be considered valid, even if other permissions required under State legislation have not been obtained.

7. In accordance with the provisions of this Bill, all terms and conditions specified in the Goa Shack Policy, as notified by the Government from time to time, shall apply and bind all individuals seeking to erect and operate a beach shack on public beaches.

The Bill seeks to achieve the above objectives.

Financial Memorandum

Certain provisions in this Bill relating to powers, duties and functions of the Director of Tourism involve financial implications which cannot be quantified at this stage.

Memorandum Regarding Delegated Legislation

The Bill does not seek to provide for any rules or regulations. The matters in respect of which notifications may be issued in accordance with the provisions of the Bill are matters of procedure and detail and it is not practicable to provide for them in the Bill itself.

Assembly Hall,
Porvorim, Goa.
1st August, 2024.

SHRI ROHAN KHAUNTE
Minister for Tourism.

Assembly Hall,
Porvorim, Goa.
1st August, 2024.

NAMRATA ULMAN
Secretary to the Legislative
Assembly of Goa.

LA/LEGN/2024/1402

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 6th August, 2024 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa (Verification of Tenants) Bill, 2024

(Bill No. 35 of 2024)

A

BILL

to provide for collection and verification of details of the persons occupying the State

of Goa either on rent or for other consideration so as to obtain timely information of such persons from security point of view and for the matters connected therewith and incidental thereto.

BE it enacted by the Legislative Assembly of Goa in the Seventy-fifth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa (Verification of Tenants) Act, 2024.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Government” means the Government of Goa;

(b) “owner” means owner of premises;

(c) “premises” means any house, flat, building, any structure either temporary or permanent, or any part thereof, which is let for use as a residence, and includes the garden, ground and out-houses, if any, appurtenant to the same; but does not include a room in a hotel or lodging house or guest house which is registered under the Goa Registration of Tourist Trade Act, 1982 (Goa Act 10 of 1982);

(d) “prescribed” means prescribed by the rules made under this Act;

(e) “tenant” means a person occupying premises on rent or for other consideration.

3. *Maintenance of record by owner.*— (1) Every owner shall, before allowing accommodation to any tenant, in the State of Goa, verify his bonafides by obtaining and inspecting photo identity, such as election card, driving license, Aadhaar card, passport, or such other documents as may be specified by the Government by notification in the Official Gazette.

(2) Every such owner shall maintain record of such tenant and submit such information, in such form and in such manner and to such officer, as prescribed.

4. *Inspection of records.*— The police officer not below the rank of Head constable or such other officer as may be specified by the Government by notification in the Official Gazette shall be entitled to inspect at any time, records required to be maintained under section 3.

5. *Non-maintenance and non-submission of information shall constitute an offence.*— Failure on the part of the owner to maintain and submit the information in the manner as required under the provisions of section 3, shall constitute an offence punishable with fine which may extend to Rs. 10,000/- (Rupees ten thousand only):

Provided that an offence punishable under this section may be compounded by the sub-divisional magistrate within whose jurisdiction the premises is situated, on payment to the credit of the Government a sum not exceeding Rs. 10,000/- (Rupees ten thousand only).

6. *Power of Government to give directions.*— The Government may give direction to any Government department or agency, local authority or any other authority or any person, under this Act with regard to collection and verification of proof of identity of tenants occupying premises in the State of Goa and maintenance of record thereof and such Government department or agency, local authority or authority or person shall be bound to comply with such direction.

7. *Other laws not affected.*— The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

8. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against the Government or the local authority or any officer or other employee of the Government or any other person authorized by the Government for

anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

9. *Power to make rules.*— The Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act.

10. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiration of a period of two years from the date of commencement of the Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly of Goa.

Statement of Objects and Reasons

The Bill seeks to provide for collection and verification of details of the persons occupying premises in the State of Goa either on rent or for other consideration so as to enhance the security of the citizens of the State of Goa and to prevent breach of peace and for maintenance of public order.

Financial Memorandum

No Financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 1(3) of the Bill empowers the Government to appoint a date, by notification in the Official Gazette, for bringing the Act into force.

Clause 3(1) of the Bill empowers the Government to issue notification for specifying additional categories of documents for establishing the identity proof of the tenants.

Clause 3(2) of the Bill empowers the Government to make rules for specifying the form, manner and the officer to whom the information to be submitted.

Clause 4 of the Bill empowers the Government to issue Notification to specify other officers who may be authorized to inspect the records pertaining to tenants which are required to be maintained by the owner of house.

Clause 9 of the Bill empowers the Government to frame rules for the purpose of implementing the provisions of the Act.

Clause 10 of the Bill empowers the Government to issue order for removing difficulty encountered during implementation of the Act.

These delegations are of normal character.

Porvorim, Goa. DR. PRAMOD SAWANT
6th August, 2024. Home Minister.

Assembly Hall, NAMRATA ULMAN
Porvorim, Goa. Secretary to the Legislative
August, 2024. Assembly of Goa.

LA/LEGN/2024/1403

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 6th August, 2024 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Land Revenue Code
(Amendment) Bill, 2024

(Bill No. 36 of 2024)

A

BILL

further to amend the Goa Land Revenue Code, 1968 (Act No. 9 of 1969).

BE it enacted by the Legislative Assembly of the State of Goa in the Seventy-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Land Revenue Code (Amendment) Act, 2024.

(2) It shall come into force at once.

2. *Amendment of section 32.*— In section 32 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969),

(i) in sub-section (1),—

(a) for the words “If an occupant of land or a tenant of such land”, the expression “If an occupant of land or a tenant of land, which is certified by the Director of Agriculture as not covered under the definition of the term “agricultural land” as defined in the Goa Restriction on Transfer of Agricultural Land Act, 2023 (Goa Act 18 of 2023)” shall be substituted;

(b) the following explanation and note shall be inserted at the end, namely:—

“*Explanation.*— For the purposes of this section the “Director of Agriculture” means the Director of the Directorate of Agriculture to the Government of Goa.

Note.— The application for permission for conversion of use of land from one purpose to another under this sub-section shall be accompanied with a certificate issued by the Director of Agriculture certifying that the land is

not covered under the definition of the term “agricultural land” as defined in the Goa Restriction on Transfer of Agricultural Land Act, 2023 (Goa Act 18 of 2023) and also a NOC from the Director of Environment”;

(ii) in sub-section (2), in clause (c), for the expression “refuse the permission applied for,”, the expression “refuse the permission applied for, if the certificate issued by the Director of Agriculture certifying that the land is not covered under the definition of the term “agricultural land” as defined in the Goa Restriction on Transfer of Agricultural Land Act, 2023 (Goa Act 18 of 2023) is not produced by the applicant, or” shall be substituted.

Statement of Objects and Reasons

The Bill seeks to amend section 32 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969) so as to prevent the agricultural land as defined under the Goa Restriction on Transfer of Agriculture Land Act, 2023 (Goa Act 18 of 2023) from being converted and used for other purposes, to protect agriculture and promote cultivation.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa. (ATANASIO MONSERRATE)
6th August, 2024. Minister for Revenue.

Assembly Hall, (NAMRATA ULMAN)
Porvorim, Goa. Secretary to the
6th August 2024. Legislative Assembly.

ANNEXURE

Extract of the Goa Land Revenue Code, 1968

32. Procedure for conversion of use of land from one purpose to another.

(1) If an occupant of land or a tenant of such land—

(a) which is assessed or held for the purpose of agriculture wishes to use it for a non-agricultural purpose, or

(b) where land is assessed or held for a particular non-agricultural purpose, wishes to use it for another non-agricultural purpose, or

(c) desires to use it for the same non-agricultural purpose for which it is assessed but in relaxation of any of the conditions imposed at the time of grant of land or permission for such non-agricultural purpose, such occupant or tenant shall, with consent of the tenant or, as the case may be, of the occupant, apply to the Collector for permission in accordance with the form prescribed.

(2) The Collector, on receipt of an application,—

(a) shall acknowledge the application within seven days:

(b) may, unless the Collector directs otherwise, return the application if it is not made by the occupant or, as the case may be, the tenant or if the consent of the tenant, or as the case may be, of the occupant has not been obtained, or if it is not in accordance with the form prescribed;

(c) may, after due enquiry, either grant the permission on such terms and conditions as he may specify subject to any rules made in this behalf by the Government; or refuse the permission applied for, if it is necessary so to do to secure the public health, safety and convenience or if such use is contrary to any scheme for the planned development of a village, town or city in force under any law for the time being in force and in the case of land which is to be used as building sites in order to secure in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of the occupiers or are suitable to the locality; where an application is rejected, the Collector shall state the reasons in writing of such rejection.

(3) The Collector shall take a decision on the within a period of sixty days from the date of receipt of the application and in case of his failure to do so, the person shall have the right to make an appeal to the Secretary (Revenue) to the Government who shall dispose of the appeal within a period of thirty days from the date of filing of appeal).

(4) The person to whom permission is granted. [*] under this section shall inform the Mamlatdar in writing through the village accountant of the date on which the change of user of land commenced, within thirty days from such date.

(5) [If the person fails to inform the Mamlatdar, within the period specified in sub-section (4), he shall be liable to pay, in addition to the non-agricultural assessment, such fine as the Government may, by notification in the Official Gazette, specify, from time to time.]

(6) (i) For the purpose of conversion, the land in the State of Goa shall be categorized as below:—

“a” Category: Coastal Panchayat areas and areas of five major towns

(b) “B” Category areas: 1.5 times of the rate specified

(c) “C” Category areas: As specified in Table below:

Provided that no such fees shall be leviable in cases where sanad is granted for the purpose of churches, temples, mosque, gurudwaras:

[Provided further that when the land to be used for the purpose of sports, health, education, charitable or cultural institutions, housing by a co-operative housing society formed by the Government employees or the accredited journalists registered with the Directorate of Information and Publicity, Government of Goa, the Government may, by notification in the Official Gazette, exempt from payment of said fees.]

“(6A) The Government may, by notification in the Official Gazette, amend any entry in the Table specified in clause (ii) of sub-section (6) and thereafter such Table shall be deemed to have been amended accordingly.

(6B) Every notification issued under sub-section (6A) shall be laid as soon as may be after it is made on the table of the Legislative Assembly while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the

session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the notification or the Legislative Assembly agrees that the notification should not be made and notify such decision in the Official Gazette, the notification shall from the date of publication of such decision have effect only in such modified form or to be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that notification.]

(7) It shall be lawful for the Collector, either on his own motion or on the application of a person affected by the error to direct at any time the correction of any clerical or arithmetical error in the sanad arising from any accidental slip or omission.

LA/LEGN/2024/1404

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 6th August, 2024 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Legislative Diploma No. 2070
(Amendment) Bill, 2024
(Bill No. 37 of 2024)

A
BILL

further to amend the Legislative Diploma No. 2070 dated 15-4-1961, in its application to the State of Goa.

BE it enacted by the Legislative Assembly of Goa in the Seventy-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2024.

(2) It shall come into force on such date, as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of article 30.*— In article 30 of the Legislative Diploma No. 2070 dated 15-4-1961 (hereinafter referred to as the “principal Code”), in clause (4) after sub-clause (gg) the following sub-clause shall be inserted, namely:—

“(ggg) granting no objection certificate for access to any plot of land or license to use any land belonging to the Comunidade for any commercial festival event.”.

3. *Insertion of new article 41-A.*— After article 41 of the principal Code, the following article shall be inserted, namely:—

“Art. 41-A- In case,—

(a) any component has filed or files a legal proceeding to claim any right in land, of the Comunidade or ownership of which is claimed by the Comunidade; or

(b) a Comunidade has filed a legal proceeding against any component for encroachment done, or illegal construction carried out, by him on the land of Comunidade or for right of title to land claimed by the Comunidade and such component has been declared by an order of any legal forum to have encroached upon land of a Comunidade or carried out any illegal construction on Comunidade land,—

(i) a component referred at (a) above shall not be eligible to contest election to any post in the managing committee of such Comunidade and in case he is holding any post in the managing committee, he shall cease to be member and from the date of filing of such legal proceeding he shall be deemed to have vacated his office.

(ii) a Component referred at (b) above shall be permanently barred from contesting election to, or holding, any post in the managing committee of any Comunidade. If such component is

holding any post in the managing committee, from the date of such order he shall, cease to be a member and, deemed to have vacated his office.

Any stay order or interim relief in pending appeal or revision or writ petition or in any further legal proceeding, obtained by the component shall not entitle him to contest the election to the managing committee of any Comunidade."

4. *Insertion of new article 181-A.*— After article 181 of the principal Code, the following article shall be inserted, namely:—

"Art. 181-A.— (1) Notwithstanding anything contained in this code, in the event a Comunidade is unable to hold election of the members of managing committee within the time limit specified in article 47 due to non-constitutional and non-deliberation of the Comunidade as per the provisions of article 34, the administrator shall after holding such inquiry as he deems fit declare such Comunidade as 'comunidade in default' by issuing an order upon expiry of 60 days from the date of such time limit as specified in article 47.

(2) The Order issued under clause (1) shall be intimated to the concerned Comunidade and also be published immediately in the Official Gazette within 15 days of its issuance and Administrator shall immediately submit a copy of the Order to the Government. Cost of publication in the Official Gazette shall be paid out of funds of concerned Comunidade.

(3) If any component of such Comunidade is aggrieved by such order then he may file an appeal to the Government within 30 days from the date of publication of such order in the Official Gazette.

(4) The Government shall, after hearing appellant and the administrator, decide the appeal as expeditiously as possible and within 60 days from the date of presentation of such appeal and the decision of the Government thereon shall be final.

(5) Upon issuance of the Order of the administrator under clause (1), and subject to decision of the Government under clause (4) in appeal, if any, the Government shall appoint an officer of the rank of Mamlatdar/ /Jt. Mamlatdar to be a custodian for the concerned Comunidade for the respective triennium.

(6) The custodian appointed under clause (5) shall exercise all powers and discharge all functions and duties of the managing committee of such Comunidade under the Code.

(7) Against any decision of the custodian appointed under clause (5), a component of such Comunidade may prefer an appeal to the respective administrator as if such decision is of a managing committee and all the provisions as applicable to such appeals shall apply to appeals under this clause.

(8) Any decision relating to any matter which need to be brought before the Government for prior approval in terms of clause (4) of article 31, shall be applicable to every such decision of the custodian.

(9) Notwithstanding anything contained in this Code, the Government shall have power to, either *suo moto* or otherwise, review a decision of the custodian, or the decision of the administrator in appeal against a decision of the custodian under clause (7):

Provided that if the Government exercises such *suo moto* power, the administrator shall not consider any issue arising out of such decision of the Custodian which the Government, is seized of or has decided:

Provided further that no such *suo moto* power shall be exercised after a period of one year from the date of such decision which is sought to be reviewed."

5. *Insertion of new Chapter IVA.*— After Chapter IV of the principal Code, the following chapter shall be inserted, namely:—

"CHAPTER IV A

Grant of Licence

Art. 316-A— A Comunidade may grant licence to use its land or any portion thereof for commercial festival event or non-commercial event upon an application made by any person in the prescribed form to the administrator and upon payment of non-refundable processing fee to the administrator as prescribed and licence fees as decided by the concerned Comunidade.

Explanation.— Commercial event shall mean any event for which admission/entry fees are charged or levied. The mere fact that free passes are also provided it shall not make such event a non-commercial event.

Art. 316-B— Any request for grant of licence under article 316-A shall be decided by the managing committee of the Comunidade.

Art. 316-C— After receipt of application under article 316-A the administrator shall carry out preliminary examination of such application and within 48 hours of its receipt, he shall forward such application with its annexures to the concerned Comunidade.

Art. 316-D— Upon receipt of the application, the managing committee shall call for a Special General Assembly/General Body Meeting to be held within 30 days from the date of receipt of the application from the administrator and place the application before the General Assembly/General Body for appropriate decision.

Art. 316-E— In the event the General Assembly/General Body decides in favour of the request, the managing committee shall immediately within seventy-two hours, inform the concerned administrator of such decision by enclosing copy of the minutes of the meeting and Resolution of the General Assembly/General Body by clearly specifying therein the licence fees to be payable to the Comunidade.

Art. 316-F— Upon receipt of the intimation under article 316-E, the administrator shall peruse the resolution

and make a report and forward the same to the Government within four days from the receipt of such intimation.

Art 316-G— Upon receipt of the report of the administrator under article 316-F, the Government shall consider the resolution of the General Assembly/General Body of the Comunidade and the report of the administrator and by taking into account the interest of the Comunidade and such other matters as deemed fit, may approve the request for grant of licence to use land belonging to Comunidade or any portion thereof for commercial event.

Art. 316-H— The grant, if any, made under this Chapter, shall be on payment of licence fees not below the rate as prescribed by the Government.

Art. 316-I— No communication granting the license shall be issued by the Comunidade, unless the applicant produces a copy of the receipt of the payment of the license fee in favour of the Comunidade and also of the administrative fee @20% in favour of the concerned Administrator of Comunidades".

6. *Amendment of article 324.—* In article 324 of the principal Code, for the words "construction of houses", the expression "construction of houses and when only applied for on auction, for construction of commercial or commercial-cum-residential buildings" shall be substituted.

7. *Amendment of article 326.—* In article 326 of the principal Code.—

(i) for the words "for construction of house", wherever they occur, the expression "for construction of house or commercial or commercial-cum-residential buildings" shall be substituted;

(ii) in § 2, the following proviso shall be inserted, namely:—

"Provided that in case of an application for grant on auction, such bigger area shall not exceed ten thousand square meters."

8. *Amendment of article 334-C.*— In article 334-C of the principal code,—

1. the existing provision shall be numbered as clause (1);

2. after clause (1) so numbered, the following clause shall be inserted, namely:—

“(2) The procedure to be followed for grant of land under clause (1) shall be such as prescribed by the Government.

(3) The land granted on long lease under clause (1) shall be deemed to be land granted as *emphyteusis* under this Code.”.

9. *Insertion of new article 334-D.*— After article 334-C of the principal Code, the following article shall be inserted, namely:—

“334-D-If a grant has been made of any Comunidade land to any religious institution, whether a *Mazania* of a temple or a temple or *Fabrica* of a Church or a Church, or any religious trust, without payment of any *foro* and such land is held legally by such grantee for more than fifty years, then such land shall stand vested in such grantee absolutely and without any encumbrance and the Comunidade shall be divested of its rights in or upon the said land.”.

10. *Insertion of a new article 337-A.*— After article 337 of the principal Code, the following article shall be inserted, namely:—

Art. 337-A— (1) Notwithstanding anything contained in this Code, upon taking *provisional possession* in terms of article 335, if the allottee who has procured the plot on auction, offers to redeem the entire *foro* (ground rent), by paying twenty annuities in one instalment, but not before the payment of the first annual *foro*, then upon application of such allottee to the administrator and upon tendering the entire twenty annuities in one instalment in favour of the Comunidade, the administrator shall forward the application with the amount to the concerned Comunidade.

(2) Upon receipt of the application with the amount, the Comunidade shall immediately credit the amount into its account and within a period of fifteen days from date of receipt of the application issue appropriate receipt to the allottee and hand over *definitive possession* of the plot to such allottee in accordance with the provisions of this Code.

(3) Upon the handing of the *definitive possession* and the redemption of the *foro* as aforesaid, the allottee shall be entitled to all rights, benefits and privileges as available to such allottee who has been handed over *definitive possession* after redeeming the ground rent.”

Statement of Objects and Reasons

1. The Comunidades being age old Institutions are often under attack from some of its own members who get themselves elected as members of the Managing Committee and then grab lands of the Comunidade. The Comunidades need to be protected from such land grabbers.

2. There are also certain matters required to be tackled in the grant of license of land for commercial events, so that the General Assembly/General Body takes the decision and the Government, exercising *tutelage* may approve in the best interests of the Comunidade. The base minimum rate needs to be prescribed, so that the Comunidade will be assured of a guaranteed revenue.

3. The amendment proposed in this Bill to Section 50 of the Code, is to safeguard the interests of the Comunidade. It has come to the notice of the Government that there are several components who get themselves elected as members of the Managing Committee and being in that position, manipulate legal proceedings or even initiate legal proceedings with an intention of grabbing land of the Comunidade. There is a need to put an end to such kind of malpractices which deprives and robs the Comunidades of its lands by such mischievous elements. It is with this intent that it is proposed to debar such persons having litigations in respect to claim for land

by the component against such Comunidade or by the Comunidade against such component, from contesting elections when order is passed against such component. Also, it is proposed to ensure that such components who have grabbed lands of such Comunidades, are not made or elected members of the Managing Committee of any Comunidade. Hence it is proposed to debar such members/components from contesting elections of any Comunidade after the decision passed by legal forum. Also, it is proposed that even despite the fact that a stay may be obtained by such component during the pendency of an appeal or Revision Petition or Writ Petition or any further appeal, the effect to continue to disqualify such component from contesting.

4. Some Comunidades are 'in default' since, despite having list of members/Components/virtue of Sole § of Article 52, the previously elected or appointed committee is entitled to remain in office until they are legally substituted. This may not be healthy to permit the same Managing Committee to continue. Hence a new article being introduced to appoint a Custodian, who will replace the Managing committee for the Triennium, but shall be subject to same rigors as a Managing Committee with checks and balances as to the functioning of such Custodian.

5. Chapter IVA containing Article 316-A to 316-I is introduced to enable Comunidades to be transparent of the decisions by which lands are granted on license for commercial events which hitherto were being doled out by Managing Committees, without the knowledge of its components, with allegations that decisions were taken which were not in the best interests of the Comunidade. So also, whilst recognising that a Comunidade is a private owner of its properties, yet, it is desirable to prescribe fees which may be levied, which shall be the base amount, leaving a Comunidade to charge any higher fee, which in either case, should not be detrimental to the interests of its components, in an absolute transparent manner.

6. Article 324 of the Code provides for grant of land on *aforamento* or *emphyteusis* for cultivation of vegetables or for rice or for construction of houses. Since Article 324 of the Code is an enabling provision, for grant of land for the above purposes, considering that there is no provision to permit grant of land for commercial or commercial-cum-residential buildings only if applied for on auction, amendment is made to enable such grant.

7. Amendment to Article 326 of the Code, is consequential amendment. In addition, the *proviso* is added, to provide a cap on the area of the allotment which may be made, as the existing provision, gives unfettered right to grant a plot of any size.

8. Article 334-C is proposed to be amended to provide legal status and strength to the grant of a permanent lease by declaring it an *emphyteusis* as available under the Legislative Diploma No. 2070 dated 15-4-1961.

9. Article 334-D is proposed to be introduced to give a finality to the grants of land(s) legally conceded by to religious entities which have been granted *gratis*, legally held for more than fifty years, whilst still holding ownership of the land due to the impossibility of redemption by virtue of the fact that no *foro* is made payable.

10. The scheme as existing in Chapter VI of the Code, provides for payment of *foro annually* and for the provision of redemption of the *foro*, after obtaining *definitive possession*. However, in case of an auction of the plot of land, if such allottee is ready and willing to pay the entire *foro* (ground rent) and the twenty time annuities in one instalment, there should be no bar to such action and the *definitive possession* should be handed over to the allottee for the Comunidade gets the full amount due, instead of being spread over years. Also, the successful bidder in the auction should not be held back in enjoying the full rights in the allotted plot, if the allottee if given *definitive possession* and redeems the *foro* (ground rent).

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 1(2) of the Bill empowers the Government to issue notification for appointing date for bringing into the Act. This delegation is of normal character.

Porvorim, Goa. (ATANASIO MONSERRATE)
6th August, 2024. Minister for Revenue.

Assembly Hall, (NAMRATA ULMAN)
Porvorim, Goa. Secretary to the
6th August 2024. Legislative Assembly.

ANNEXURE

Extracts of the Goa Legislative Diploma No. 2070
Dated 15-4-1961

Article 30

The comunidade shall:

(1) Elect every three years the ordinary attorneys and its substitute, in the form provided in this Code;

(2) Appoint a special attorneys, when necessary, or have their services dispensed with according to circumstances and the interests of the comunidade,

(3) Opine on statement of income and expenditure, the estimates for the ordinary and extraordinary auctions and their conditions, and on the finalisation of the accounts and the extraordinary budgets;

(4) To deliberate on:

a. The works and the extraordinary expenses to be incurred;

b. The loans to be borrowed;

c. Creation or abolition of medical posts, extension of the period of its duration and maintenance of the same, as well as the creation or abolition of any services or charges of permanent nature;

d. Introduction of the non-saline and saline water in the khasanas casanas 13,

e. Acquisition of lands;

f. Emphyteusis, sale or exchange of land;

g. Institution, admissions, withdrawal and compromise of civil suit;

gg. Admissions, withdrawal or compromise of any civil suit or other legal proceedings;

h. Extension of time granted for utilization of land granted on emphyteusis;

i. About the grant of rebate (quita) to the leaseholders;

j. And in general, about all the extraordinary acts not provided for in the statement of income and expenditure or in the provisions of this code, as well as relating to any matters about which the opinion is called for.

(5) To appoint and dismiss peons or criers, determining their rights and obligations

Article 41:

The board shall be elected by the Comunidade from amongst the able components, including share holders, preferably those residing in the village.

When the Comunidade is not constituted for election of any of the members of the board, the same shall be appointed by the Government from amongst the able.

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